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PARLIAMENTARY

DEBATES

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THE

PARLIAMENTARY DEBATES,

New Series,

VOL. IX.

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THE
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

New Series;

COMMENCING WITH THE ACCESSION OF GEORGE IV.

VOL. IX.

COMPRISING THE PERIOD
FROM
THE FIRST DAY OF MAY,
TO
THE NINETEENTH DAY OF JULY, 1823.

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1824.

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THE

Parliamentary Debates

During the Fourth Session of the Seventh Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Fourth Day of February 1823, in the Fourth Year of the Reign of His Majesty King GEORGE the Fourth.

HOUSE OF LORDS.

Thursday, May 1, 1823.

EQUITABLE ADJUSTMENT OF CONTRACTS—PETITION OF MR. THOMSON.] Earl Stanhope presented a petition from Charles Andrew Thomson, of Chiswick, in the county of Middlesex. The petition was the same as the one presented from the same gentleman to the House of Commons, a copy of which will be found in our preceding volume, at p. 188. After it had been read,

Earl *Stanhope* rose and addressed their lordships nearly as follows:—My lords, the petition which has just been read brings under your consideration a subject of very general interest and extreme importance—it is that subject of equitable adjustment, which has been so much misunderstood by some, and has been by others so much misapplied. An equitable adjustment is a phrase which of itself implies an adjustment upon principles of right, a true, clear, and undeniable consequence of that natural and immutable state of affairs, without which, although obedience to human laws may be enforced, those laws cannot command respect. It is evident, that if the government of a country alter the value of its currency, it ought in the same proportion, to alter the value of contracts made antecedent to such a regulation. By the introduction of the Bank Restriction bill in 1797, the value of the currency was rendered what it was not before; and such has proved to be the case not only with respect to gold, but by that which affords a much more accurate criterion, namely, by the value of manufactures and commerce. With respect to gold, it must be recollected, that it cannot be understood as a standard value, except when it is used for purposes of government. For a few years, gold became itself depreciated to a great extent, in the same manner as paper when compared with gold. It has been stated, that nothing can be more futile or more fallacious than an attempt to measure the market price of gold by the depreciation of currency at different periods. That argument may suit those whose endeavour is, to prevent the matter from being viewed in its true light. As the value of the currency, however, has been very different at various periods, it is requisite, for the sake of justice, to pursue the principles of equitable adjustment, so that each contract should be rectified or adjusted, according to the real original value the commodity bore at the period when it was contracted for. This is another principle of equitable adjustment, which is essentially different from all those proposals which we have heard of, for the purpose of altering the standard, inasmuch as it would affect all contracts in the same proportion; for, by such an equitable adjustment as I allude to, each contract would be restored to its value at the time the parties contracted. Such are the principles that I conceive ought to regulate an equitable adjustment; than which none can be more just—none can be more necessary—I will not merely say, for the safety and well-being, but even for the existence of the country.—The object of my proposition, as to an equitable adjustment, is to rectify and to regulate, to their original value, all contracts made since the restriction of cash payments in the year 1797, and previous to the restoration of cash payments in 1819. The effect of that would be to do justice to all parties contracting; to correct all the grievances that now exist; and to place all the parties interested, in the same situation as they were in at the time when those contracts were entered into. Such being the means of remedying the evil, and such the nature and object of an equitable adjustment, I should be surprised at the calumnies that have been heaped upon it from various quarters, were I not convinced that wilful and base representations have been made upon the subject, by those who are perhaps interested in the continuance of that iniquity which it is the object of the proposers of an equitable adjustment to prevent. It was, however, with great astonishment that I heard, the other night, this measure stigmatized as being revolutionary, on a petition presented by a noble lord not now present, which petition proceeded from the county of Hereford, and also prayed for an equitable adjustment. When we talk of propositions being revolutionary, I should like to know, what can be more revolutionary, or more destructive to regular government and good order, than that which has the effect of revolutionizing the value of property? What can be more terrific than that, when done under the sanction of law? I would beg to quote the words of that admirable petition, which the noble lord presented from the county of Hereford, in which this country is said to be governed by a violent aristocracy, and proceeding gradually towards revolution. Can your lordships suppose that such a revolution can be consummated without experiencing the effects of, I will not merely say a change, but a total destruction of the constitution, and without producing evils which no man has anticipated? I retort the charge of revolutionary intentions upon those who have so used it, and who attempt to calumniate the measure with such epithets, but with which they in vain attempt to stigmatize it. I would wish them to use arguments instead of abuse. We have heard it lately asserted that a system of equitable adjustment would produce dreadful confusion. It is the first time that I ever heard such an argument used against obtaining justice, to prevent the continuance of spoliation, and to avert the most destructive state of circumstances to individuals as well as to society in general. It never was proposed by any man, that in following up the principles of equitable adjustment, we were to strike at the foundation of property, to discover who were the original holders. It is clear that every holder of a contract, whether by purchase or otherwise, is the same as the original holder: he not only possesses the same rights, but must submit also to the same obligations. That this is the principle of equitable adjustment is not a discovery that is new; but I should consider that as being no valid objection to it: if it were, I should refer your lordships to an act of parliament, passed in Scotland in the 3rd parliament of James 3rd, for the purpose of settling equitably all debts and contracts then subsisting. That act differs from the acts of our days, as it is very short: it states, in the preamble, that whatever contract may have been made for money, it is for the good of the realm, that the same should be settled equitably, according to the value of the currency; it then enacts that all debtors who owe any debts upon contracts, may be allowed to pay the same, according to the sum and substance of what was intended between the parties at the time of making their contract. Now, my lords, you here see the principle of an equitable adjustment measured out in Scotland in former times, by the authority of an act of parliament; and, if I be correctly informed, the same principle has been established in this country by the decision of a court of law. I don't know the names of the parties in that case; but I have no doubt they are familiar to my noble and learned friend upon the Woolsack. It was, I believe, a case which occurred towards the end of good queen Elizabeth's reign, with respect to a person who, having made his will at the close of that reign, and (as a great alteration had taken place in the value of the currency at that period), his executors entertained a doubt as to how to settle the testator's affairs, on account of the ruinous obligations they found imposed upon them by that will. A question was therefore agitated as to whether that testator understood that the payments were to be made at the valuation of the currency at the commencement of the reign, or according to that value which existed at the time the will was executed? The court decided, inasmuch as the words of the will were, "I give and bequeath such and such sums, to be paid to certain persons named, according to the valuation of the currency," that those words were to be understood as being applicable to the general value of the currency at the time the payments were to be made. Here again your lordships see the effect of an equitable adjustment acted upon in courts of law. Besides that, if we look to the example of other countries, I need only refer your lordships to the conduct of the emperor of Austria, and for which conduct, I dare say, the government of that country cannot be called in any respect revolutionary; in that country the present emperor having made considerable alterations in his currency, issued an edict to all the magistrates within his dominions, forbidding them, under the severest penalties, to open it before a certain day; and desiring them, at the same time, when that day came, to give it all possible publicity. When that edict was opened, it was found to contain a scale for the payment of debts, and directing all debts constituted by contracts previously obtained, to be paid according to that scale. It is also singular that the same country, Austria, should exhibit an example, not only of the sort of equitable adjustment here proposed, but also a measure similar in its nature to that bill, which has lately passed in this country, commonly called Mr. Peel's bill. Be that as it may, however, it is certain, that the paper currency of Austria has from time to time fluctuated from 440 to 250 in paper, as compared with 100 in silver. The emperor determined to ascertain the proportion between paper and silver which was settled at that time, and it was ascertained, that it afforded no more a just criterion of the value of silver in that country, than what are called the market-price of gold in this country. The emperor directed, as in this country, that the debts should be paid in silver, according to that ratio which he then established, and that system was begun in that country, having been occasioned by similar causes as have existed in this. At that time, the most grievous and intolerable inequality of payments prevailed in that country; and, as in this, the disproportionate value of payments was monstrous. Such a system as formerly prevailed in Austria, as to the payment of debts, was in the result, a source of extreme dissatisfaction and discontent throughout the whole of the emperor's dominions.—Having troubled your lordships, at this length, upon the general principles of this measure—principles which have been so unjustly calumniated—allow me to apply those principles to the case of this petitioner. His case is this—that he is in danger of losing two estates which were bought by him in the year 1811 for 132,000*l.*; he is in danger of being dispossessed and deprived of those estates by the foreclosure of a deed of mortgage for 60,000*l.*, being less than one-half of the value of the estates upon which that mortgage was granted."—His lordship then entered into an elucidation of the losses sustained by the petitioner, founded upon the statement in the petition, and also stated various other similar cases of hardship, which had come within his knowledge, as arising from the depreciation of landed property. He mentioned one instance, in Herefordshire, where an estate was sold for 25,000*l.* some years ago, and which had been repurchased by the original proprietor for 6,000*l.* He would ask their lordships, whether it was possible to state any thing more strong and energetic, to shew the cruelty and hardship which this petitioner and others in a similar situation were under the necessity of enduring, on account of the injustice arising from the inconceivably great reduction in the value of property, without any alteration being made in the value of the currency. Those evils could only be remedied by an equitable adjustment; and until that system which he now proposed, was adopted, the evils complained of could not be remedied. In duty to their country, their lordships were bound to prevent the mortgagee under such circumstances executing a foreclosure.—His lordship also mentioned the case of a person whose income had been reduced from 60,000*l.* a-year, to 30,000*l.* a year; with the same annuities of 21,000*l.* a-year to pay out of 30,000*l.* a year, which he had to pay out of 60,000*l.* a-year. He was well aware, that 9,000*l.* a-year was quite enough for any man; but he only mentioned it to shew the proportionate hardship which was inflicted by the state of the currency upon landed proprietors. No man could willingly submit to be thus dispossessed of his property nor have it swallowed up or transferred into other hands. In order to pay claims established upon former contracts, many were under the necessity of disposing of twice the quantity of produce compared with the value of the property, when those contracts were entered into. He asked for justice being done to the public debtors—he asked for justice being done to the suffering people of this country—he asked for justice in redress of grievances, such as those which even Buonaparte, in the plenitude of his power, would not have allowed to exist. Unless those grievances were speedily redressed, we might expect that the country would be overwhelmed in ruin, or, at least, involved in convulsions which no man would desire to see, and which, perhaps, none have apprehended as likely to arise from such a cause. He called upon their lordships to arrest the progress of such consequences. But such was the state of affairs, that those grievances met them in every step. Should we ever again have occasion to revert to the question of peace or war, he should ask their lordships, how they could be prepared to go to war, even if menaced by some danger or distress, under such a state of circumstances? The sinews of war were money; and he would ask, whether they could expect to raise sufficient funds, if the landed proprietors of the country were so impoverished? He trusted, however, that the sinews of war did not merely consist in money, but in that unconquerable will and courage, which would never submit nor yield. Even in that case, he would ask, how they could expect that unconquerable will and courage to be evinced by a population oppressed as it was by the measures of government? No wonder that the people were distressed, discontented, and disaffected, by the continuance of evils in a system of government which tended to render them desperate. Unless the government were disposed to sink the country into a state far more base and abject than it had ever before exhibited at any time of its history, he had no doubt their lordships would find it necessary soon to redress those grievances, in order to restore the ancient energy of its population. He should think it his duty to bring forward some motion upon this subject of equitable adjustment; and he took that opportunity of thus stating his sentiments, however ineffectual his exertions might be, or whatever little success might attend them. The attention of parliament had been unfortunately occupied with a review of transactions in which they had no direct concern; namely, that of considering the conduct of foreign sovereigns, in which they had, comparatively speaking, no right to judge, and whose conduct they had no power to control; while the government neglected redressing those grievances which existed in our own country, and which it was in their power to remedy. It was still his intention to submit various motions upon the subject of those grievances, whenever the time arrived when the result was likely to be more advantageous and beneficial than at the present moment. He could not, however, lose that opportunity of protesting against leaving unredressed and unconsidered by parliament, the state of the currency which imposed such tremendous grievances upon the country. The petition which had given rise to these observations, he viewed as the petition, not of one individual, but of every individual in the realm, from the highest to the lowest; because every one was concerned in the benefits to be derived from the just principle of an equitable adjustment. It was therefore his intention, upon those general principles, to move, upon some future day, that this petition be taken into consideration; but, at present, he should content himself with moving that it be laid upon the table.

The motion was agreed to.

HOUSE OF COMMONS.

Friday, May 2.

NEGOTIATIONS RELATIVE TO SPAIN —KING'S ANSWER TO ADDRESS.]—Mr. Secretary Canning reported His Majesty's Answer to the Address of the House, as follows:

"I thank you for this loyal and dutiful Address: I receive with satisfaction the expression of your gratitude for my earnest endeavours to preserve the peace of Europe, and the assurances of your ready and affectionate support in any measures which I might find it necessary to adopt for maintaining the honour of my Crown, and the interest of my people."

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.]—Mr. Spring Rice having moved, "That Dillon, M'Namara, and Terence O'Reilly, attornies of Dublin, do attend this House on the 9th of May," Mr. *Plunkett* said, he would avail himself of the opportunity which the motion afforded him of stating to the House a fact of considerable importance, not only to himself but to the question which had engaged, and was likely to engage still further, the attention of the House. It was in the recollection of the House, that both in the speech and motion of the hon. member for Armagh,* it was charged against him, that in having filed an *ex officio* information, after bills of indictment had been ignored by the grand jury, he had acted, in his office of attorney-general for Ireland, without precedent, and had introduced into the administration of the law a practice of which no instance had occurred since the Norman conquest. He had upon that occasion suggested, that from the authority of the Court of King's-bench, in cases which he cited, a fair analogy was to be traced, and sufficient to justify his proceeding. He had remarked that it was unfair, because he could not produce the precedents for the reasons he then stated, to suppose they did not exist. He had, however, since received a letter from a Mr. Foley, an attorney of Ireland, a gentleman whom he had not the honour of knowing, in which that gentleman stated, that seeing the reports of those debates in parliament, in which this subject had been mentioned, and the manner in which the argument had been used, he was induced, from a sense of justice to inform him that he believed a case took place in Ireland twelve years ago, in which an *ex officio* information had been filed by the attorney-general, after bills of indictment for the same offence had been ignored by the grand jury. He had replied to that letter, by thanking Mr. Foley, and requesting him to inquire into the subject. Mr. Foley had done so; and the following were the particulars. In October, 1811, a bill of indictment was preferred against a person of the name of Leach, for writing a letter to sir Edward Littlehales, soliciting the appointment of the place of Barrack-master. The bill contained three counts: the first was for sending a letter, proposing to give a bribe; the second, for offering money by way of bribe; and the third, for offering securities for money by way of bribe. That bill was ignored by the grand jury. The court of King's-bench, impressed with the disproportion between the evidence and the finding, ordered a second bill to be preferred. That second bill was also ignored; and, in the November following, an *ex-officio* information was filed by his predecessor in office. He held then in his hands attested copies of the indictment, and of the *ex-officio* information that followed the ignoring. And yet Mr. Saurin, the attorney-general of that day, was never called upon to explain the grounds upon which he took that course. He (Mr. P.) attributed his not having heard of that precedent, during the recent discussions, to the fact of its having escaped the recollection of his predecessor. He did not feel it his duty to lay these documents on the table of the House; because he would not seem to inculpate the character of the hon. gentleman who had preceded him; but he owed it to his own character to state, that, twelve years ago, the same thing had been done for which he was censured, and in which he was charged with having acted unprecedentedly. The conduct of the attorney-general at that period had never been impeached, nor had any doubt been entertained of its justice. He felt that this bore most strongly upon his own case, because that hon. gentleman had supposed he was only acting in the course of his duty.

Mr. *Denman* asked if any judgment had been passed in the case mentioned by the right hon. gentleman.

Mr. *Plunkett* replied, that judgment had been signed for want of a plea; but, in consequence of the contrition expressed by the defendant, and of his having lost a valuable appointment, no further punishment had been visited upon him.

Mr. *Abercromby* said, he had heard this statement with the greatest astonishment. They had been told, from the beginning to the end of this business, that the imputation upon the character of the attorney-general for Ireland was that of having acted without precedent. The hon. member for Armagh had concluded his speech by saying, that his conduct had been unprecedented, contrary to the practice of the court, and not congenial to the spirit of the British constitution. If the fact which had been just stated had then been known, it would have made the greatest possible difference in the case. He wished, however, to ask one question, and, if it should be answered in the affirmative, the House would see the bearing it must have upon this case. He wished to know, whether the person who was now the crown solicitor had held that office in 1811. There were two persons to whom, *ex necessitate rei*, all the particulars of this case must have been known —the then attorney-general and crown solicitor. He would beg the House to consider how the attorney-general for Ireland had been served in the discharge of his duty, when no communication of this fact had been made to him. If Mr. Saurin did not think fit to communicate the fact to his right hon. friend, that was a matter of courtesy of which he (Mr. A.) had no right to complain; but that the crown solicitor should not have informed his right hon. friend of it, seemed something more than accident. It was for the purpose of impressing upon the House the situation in which his right hon. friend was placed—the inconveniences of which he believed, were shared by the lord lieutenant himself—that he called their attention to this singular conduct of the crown solicitor.

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* See Vol. 8, p. 964.

Mr. *Plunkett* said, he was bound in justice to the crown solicitor to state, that two gentlemen of the same name had held that office. They were father and son. The father was dead, and the son must have been a very young man at the period to which he had alluded.

Sir *J. Newport* said, that however young that person might be, he had, at the period mentioned, acted for his father; and if he was then competent to do so, he must be well acquainted with the facts of the case.

Mr. *Grattan* said, that as the gentleman alluded to had acted for his father during a series of years, he thought it advisable, that he should attend at the bar of the House. [Loud cries of "Mr. Saurin also."]

Sir *N. Colthurst* thought it very possible that the crown solicitor might have forgotten the matter, as the right hon. gentleman himself had done so.

Colonel *Barry* said, he would move that the name of Mr. W. Kemmis the crown solicitor, be added to those of the witnesses already moved for.

Mr. *Calcraft* moved, that Mr. Saurin's name should also be added.

Mr. *Goulburn* thought it would be a most inconvenient course to enlarge the examination of witnesses, unless in the course of the proceeding, circumstances should arise of a nature to call for it.

Mr. *Calcraft* consented to withdraw his motion for the attendance of Mr. Saurin. It was certainly difficult at present to state to what extent the examination would proceed.

Mr. Secretary *Peel* wished the House to suspend its judgment with respect to Mr. Kemmis. The fact which had been stated by his right hon. friend was, undoubtedly, very important; but still he thought it possible that it might have been forgotten. Mr. Townsend who had concurred with his right hon. friend, had also been in office in 1811, and yet he did not remember it. The present lord chief justice of Ireland was at the same period the solicitor general, and yet, when the cause was tried before him, and the objection urged by the defendant's counsel, that this was a case without precedent, his own memory did not furnish him with this fact, with which it was almost certain that he must have been acquainted.

Colonel *Barry* said, his reason for ordering the attendance of Mr. Kemmis was, because, in the course of the examination, matter might come out which it would be necessary for him to explain. From the number of witnesses summoned, it would appear that the examination was meant to be indefinite. If gentlemen should institute an inquiry into the feuds of unhappy Ireland from the time of Henry 2nd, he could have no objection to it; but he would not, therefore, lose sight of the question then before them; namely, whether the conduct of the sheriff did, or did not deserve the censure of the House? As gentlemen appeared willing to confine their examination to that point, he would withdraw his motion.

The motion was withdrawn. After which, the Speaker informed the House, that he had received a letter from Gabriel Whistler, the sub-sheriff of Dublin, stating that his attendance, in pursuance of the order of the House, would interrupt the judicial proceedings of the commission now sitting in the city of Dublin.—Sir F. Burdett then moved the order of the day for going into a committee of the whole House on the conduct of the sheriff of Dublin. The House having resolved itself into the said committee, sir Robert Heron in the chair,

Sir *F. Burdett* said, that having brought the proceeding to the present point, and put it in a train of investigation, he would now leave it in the hands of the gentlemen of Ireland, who were necessarily better acquainted with the subject, and more immediately concerned in the conduct and issue of the proceeding than he could possibly be. On the motion of Mr. Calcraft, the Serjeant was directed to cause all persons summoned as witnesses, to withdraw from the gallery.

Mr. *Benjamin Riky* called in, and examined.

You are clerk of the crown in Ireland?—I execute the office of clerk of the crown in Dublin.

By Sir *J. Newport*.—How many years have you executed the office of clerk of the crown in Dublin?—For nearly 30 years; I have been in the office for 33 years.

Have you brought with you any document by which you can ascertain the state of the panels upon the commission juries in the city of Dublin?—I have.

Have you with you the panels for grand juries in the years 1819, 1820, 1821, and 1822?—I have, with the exception of the panel for Feb. 1820; I have the grand jury of Feb. 1820, but not the panel.

How comes that panel to be not in your possession?—The clerk whom I had at that time is dead; I was not able to lay my hand upon it, nor has it been found; I left directions when I was leaving Ireland to have it sent after me; I have got the grand jury, but not the panel.

Put in those panels which you have with you.—[The witness produced the same.]

Have you examined into the state of those panels, and can you state to the committee the number of corporators on each of those panels?—I have, and compared them with the list of common-council-men.

The question asked, is confined to the commission grand juries. There are other grand juries also impanelled in the city of Dublin, are there not?—There are.

What is the duty respectively of the commission grand juries and the other grand juries?—The duty of the commission grand jury is the disposing of indictments merely; that is the only court in Dublin of which I am an officer; however, I attend also the court of King's-bench, and I know that the grand jury of that court present all money affecting the city of Dublin, with the exception of certain presentments, made by the quarter sessions grand jury.

Can you then state what the respective attendance of the corporation upon the commission grand jury, and upon the other grand jury, are?—The term grand juries, consist, for the most part of the aldermen of Dublin; I never have attended the quarter sessions court, and I do not know any thing of it.

Are the commission grand juries composed, in the same proportion of common council, as those term grand juries, you have already mentioned?—I apprehend not.

Who are the other persons on those grand juries, besides the aldermen?—Sheriffs-peers, I believe; aldermen and sheriffs-peers exclusively.

What is the meaning of sheriffs-peers?—A gentleman who has served the office of sheriff, or fined by reason of his not having served that office.

Are the committee to understand that the common council are a different body from the sheriffs-peers and the aldermen?—I have always understood so.

How are the common council elected?—There is first the guild of merchants; the guild of merchants return, I think, thirty-one; there are different other corporations.

Do any of the other guilds elect as large a number of common council as the guild of merchants?—None, I believe; the election is every three years.

Will you state the number of sheriffs-peers, or common council, that were on the commission grand juries in the year 1819?—At the February commission, in 1819, there were six common councilmen sworn on the grand jury, and nine that were not sworn; at the July commission there were five sworn, and eighteen not sworn.

Were they not sworn on account of non-attendance?—They were; at the October commission, in 1819, it appears that there was not any common-council-man sworn on the grand jury, there were eleven on the panel; and at the December commission, in the same year, it appears there were three sworn on the grand jury, and four others on the panel. The first, in 1820, is the February commission, of which I have not the panel, but I have the grand jury from the record, and it appears there was one common-council-man sworn on the grand jury; at the June commission, in the same year, there were two sworn on the grand jury, and eleven on the panel; at the October, three on the grand jury, and five on the panel; at the December, three on the grand jury, and sixteen on the panel. In February 1821, there were nine sworn, and thirteen on the panel not sworn; in April there were two sworn, and two on the panel who were not sworn; in July there were seven sworn, and thirteen on the panel not sworn; in August, eight sworn, and thirty-two not sworn; in October there were eight sworn and nine not sworn. In January 1822, there were two sworn, and two on the panel who were not sworn; in Feb. two sworn, and two not sworn; in April there were two sworn, and none other on the panel; in June there was not any common-council-man on the panel; of course, none sworn. In August 1822, there was but one on the panel; he was not sworn. In October there were five sworn, and fourteen who were not sworn; and at the January commission in 1823, there were fourteen sworn on the grand jury, and thirteen others on the panel who were not sworn; making twenty-seven on that panel.

With reference to the last panel you have spoken of, how many does the entire panel consist of?—Fifty.

Have you ever known any panel confined to so small a number as fifty?—I have not.

Will you read the numbers of each panel?—The number on the panel in Feb. 1819, is 61; in July, 72; in Oct. 95; in Dec. 87. In 1820, in June, 71; in Oct., 66; in Dec., 71. In 1821, in Feb., 67; in April, 107; in July, 82; in August, 79; in Oct., 61. In 1822, in Jan., 77; in Feb., 87; in April, 68; in June, 72; in August, 85; in Oct., 62; then, on the panel of Jan. 1823, 50.

Can you state what places the fourteen who were sworn occupied in the panel in 1823, whether there were any persons before them on the panel, or whether they answered, and in what manner, according as they were placed upon the panel?—The grand jury, in 1823, answered within the first twenty-six names; namely, three absent persons only.

Have you ever known an instance, before this time, in which such a circumstance took place, as that the persons should have answered in rotation in the manner you have just now stated?—I do not remember any such circumstance.

It appears that there were upon the panel, in Jan. 1823, twenty-seven common-council-men; 14 sworn, and 13 on the panel that were not sworn; out of a number of fifty, had you ever before known an instance in which the common council formed a majority of the commission panel?—I do not find any such circumstance.

What was the entire number of the panel in August 1821?—Seventy-nine.

What was the number of common-council-men?—Forty.

By Mr. *Plunkett*.—How do you reconcile that with saying, that there was no instance, except the last, in which there was a majority of common-council-men?—I understood the question was in equal proportions; I misconceived the question; the corporators are 27, which is more than the half of fifty; but, perhaps, I have fallen into an error.

By Sir *J. Newport*.—Were the 14 common-council-men, whom you have stated to be sworn upon this panel, placed at the head of the panel?—The whole jury, with the exception of two after the foreman, answered in succession, until I came to the twentieth, there was then an absent gentleman, and then the other four were sworn; so that the whole jury ran in succession, with the exceptions I have mentioned.

Were the three that were absent, common-council-men or not?—Two of them, I think, were common-council-men; Lane, Sparrow, and White, are the absent gentlemen. Mr. Lane is a common-council-man; Mr. Sparrow, I believe, is not; and Mr. White is.

Is it in the ordinary course of calling over the commission grand jury, that the grand jury is completed, without going nearly through the panel, in calling them over?—Very seldom; frequently the panel is called over twice, and often on fines.

Will you look at the panels of the preceding year, and state how far down the call proceeded before the grand jury was completed?—The range is from 57 to 105; there are, of course, intermediate numbers, 59, 67, 89, and so on.

By Lord *Milton*.—In the panel of the grand jury immediately preceding the last, what rank on the panel was the last named of the grand jury?—Fifty-six.

What rank was it on the one next previous to that?—Eighty-five.

By Mr. *Brougham*.—You mean by that, that the last man sworn on the grand jury was the eighty-fifth upon the panel?—Yes; but it frequently happens that the panel is called over and there are not enough without calling them on fines.

Will you state the place of the last man on the grand jury on each occasion?—It frequently happens that the names of the grand jury are called over to the end of the panel; a sufficient number to form the grand jury not appearing, they are called on fine, and then short of the last man frequently a grand jury are found.

What is the lowest number on the panel sworn on each occasion?—I shall be obliged to reckon them; they are not numbered on the panel.

Have you any means of informing the committee of the distinction between a person being called on fines, and a person being called on the first time that the panel is gone through?—In some instances, I have a statement of the number of fines appearing on the face of the panel; in other instances I have not, as the judges sometimes direct that the panel shall be called on fines without actually entering them, and not having a wish to inflict fines if it is not necessary. I have already stated, that 57 appears to be the lowest number, and 105 the highest.

Have you any means of stating whether, on any given occasion, the whole of the panel was exhausted before a jury was obtained?—I have.

State in how many cases the panel was exhausted?—There are 18 panels; it will take some time to go through them.

[The witness was directed to make a return of the number of panels which were exhausted; the number of fines imposed; and, in respect of the panels that were not exhausted, the lowest number that was called.]

By Sir *J. Newport*.—In what manner is the panel delivered in, and by whom?—It is delivered to me by the sheriff, annexed to a precept which has been previously delivered to him, calling for the grand jury.

By Mr. *S. Rice*.—On the grand jury, in Jan. 1823, how many common-council-men were sworn?—Fourteen.

Is there any other occasion that has come within your knowledge, in which there has been upon the grand jury a majority of the common-council-men sworn?—None.

Referring to the panel of 1821, on which there was a majority of the common-council, will you inform the committee, whether that was, or was not, the occasion of the king's visit to Ireland?—It was.

Was there any business transacted by that grand jury?—The court adjourned in half an hour, all business being then done.

By Dr. *Phillimore*.—At what time of the year did the present sheriff enter into his office?—At Michaelmas.

By Mr. *S. Rice*.—What was the smallest number which you ever recollect to have been called on the panel before the twenty-three were sworn?—Fifty-seven.

By Mr. *Scarlett*.—Is the panel delivered to you by the sheriff or the under-sheriff?—Invariably, by one of the high sheriffs; they are usually both in court, but one hands the panel to me from his box to where I sit under the judge.

That was the case on the last occasion, was not it?—Yes, it was.

By Colonel *Barry*.—Is it not usual in the commission succeeding an election of common-council-men, to pay them the compliment of putting them on the grand jury; and are there not more common-council-men put upon that than on common occasions?—My answer, then, is to apply to a jury every third year; there was a new common-council I believe, in Dec. 1822, from 1816 to 1819, and from 1819 to 1822. I do not belong to the corporation; I am not an officer of that board.

Will you refer, by going three years back, to Dec. 1819, and compare the one of Jan. 1820?—There was no commission in January 1820; the commission was in February. I have not the panel of February, but I have the grand jury.

Is that the only panel you have not?—It is the only panel within this range that I have not; but I have the crown-book, in which the grand jury are entered from the panel. The panel has not been looked upon as a record when the indictments are found, and the caption added to those indictments; I, however, preserve them.

That one which you asked for is the only one which is missing?—It is.

By Sir *J. Mackintosh*.—Have you the means of answering that question, in reference to former years, before the year 1819?—I have not; my search went back, commencing with 1819; but I have the sworn grand jury alluded to, in February, 1820.

Can you account to the committee, why that particular panel should be missing?—I cannot.

How many common-council-men were there upon that grand jury in February 1820?—One only.

Have you not stated, that you have in your possession a document which you consider as equivalent to the panel; the names of the grand jury in Feb. 1820?—So far as the sworn grand jury go, I have.

By Colonel *Barry*.—Will you explain why you consider that equivalent to the panel?—Because it is entered in the crown-book from the panel immediately on the grand jury being sworn, and becomes the record.

Does it show the number of common-council-men who are upon the panel?—It does not.

Then how can it be equivalent to the panel?—I believe I have answered, as far as the grand jury go; if not, I would wish to state that.

Can you state the names of the grand jury in January 1823, and how they were called and sworn?—[Here the witness read over from the crown-books the panel of January 1823.]

Can you state, which of those individuals were members of the common-council?—I can do it in a very short time if it is desired.—[The witness was directed to add this to his return.]

What is the smallest number to be found on the panels you have brought with you before the grand panel of October 1822?—Sixty-one.

By Mr. *Brownlow*.—When did sheriff Thorpe make his first return to you?—In Oct. sitting 1822.

What number did that panel consist of?—Sixty-two.

The next return he made to you was the great panel of Jan. 1823?—It was.

How many did that consist of?—Fifty.

Are the panels in all cases signed by both sheriffs?—They are.

Was the panel in 1823 signed by sheriff Cooper and sheriff Thorpe?—It was; in law we consider them but one.

Is it not a matter of notoriety, that after the renewal of the common-council, the panel at the succeeding great commission consists of a greater proportion of common-council-men than the panels preceding the renewal of the common-council?—I never heard of that before this night.

By Sir *J. Mackintosh*.—What was the number of common-council-men who were sworn on the grand jury of the commissions in January 1820?—One only.

Was that the panel immediately after the renewal of the common-council?—It was, as I understood.

By Mr. *T. Ellis*.—Have you any means of ascertaining how many persons, sworn on the grand jury in 1823, were new common-council-men?—No otherwise than by reckoning them by the almanack, which marks them.

Have you referred to that almanack?—I have not it in the house.—[The witness was directed to add the number on the panel of January, 1823, who were new common-council-men.]

Do you know whether all the common-council-men who attended on that occasion in court, had attended on previous occasions at one or other times before, or whether any of them attended for the first time on the grand jury at that time?—I have not made any such examination.—[The witness was directed to add this to his return.]

By Mr. *S. Rice.*—Is the year in which the triennial election of members of the common-council takes place, a matter of notoriety in Dublin?—Oh, certainly.

Did it take place in December last?—Shortly previous to December they enter upon their office.

Was there a commission of Oyer and Terminer in Dublin, in Oct. 1822?—There was.

Are you aware who made out, copied, and returned the lists of the grand juries and petit juries for such commission?—I received the juries from the sheriff; I know nothing of the making of them out. I have no connexion whatever with the Sheriff's-office; the first knowledge I have of the panels coming from the sheriff, is his handing them to me in court.

By Mr. *Bright.*—Do you know, whether, in point of fact, those members of the common-council who were last elected, were upon the last panel?—I do not know at present.

By Colonel *Barry.*—If there is a failure in attendance of grand jurors, it is usual in the court to impose a fine, is it not?—It is usual to call the panel on fines, and frequently to impose fines.

Was there not a very strong expectation of business of very great importance in the different courts, to occur at this commission?—I do not recollect any thing of importance, but the affair at the theatre.

Was not there an indictment of the conspirators, the ribbon-men?—I believe that was in the county of Dublin, therefore my first answer should be with reference to the city of Dublin; the business for the county and city of Dublin is done in the same court, and going on by the same judges.

In the October preceding, was not there a trial of ribbon-men in the city of Dublin?—There was, of several.

With such important business before the court, would the chance of a person not attending being fined, be considerably greater?—I should suppose so.

Would not that, in your opinion, account for a greater attendance of grand jurors appearing consecutively than upon another occasion?—The jury have been frequently called on fines, and not answered in the same consecutive order, I never knew an instance of their so answering before.

By Mr. *S. Rice.*—Are you acquainted with the situation in life of Joseph Henry Moore, who appears to have been one of that grand jury?—I cannot say that I am.

Do you know that he acts as agent to the Atlas Insurance office, in Dublin?—I have heard that he does?—I do not know.

By Mr. *Hume.*—Have you made diligent search for the panel of 1820, which is now missing?—I have.

Is that the panel which you stated was missing in consequence of the death of your clerk?—My clerk died shortly after that period; I do not know that it was in consequence of his death that the panel was missing.

By Mr. *Plunkett.*—When did you first miss that panel; when did you first discover it was not among the others?—They were never put together; they are usually rolled round the papers of the commission to which they belong. That panel I missed on Friday last.

Have the sheriffs of Dublin returned any commission grand panel to you, since January 1823?—They have.

How many did that grand panel consist of?—The panel of Feb. 1823, consisted of eighty-nine.

When did you first search for the panel of Jan. 1820?—On the day on which I could not find it.

When did you first see that panel?—I think I did not see it since the sitting of the commission; it is usually rolled round the papers of the commission, and they are put up in the press.

By Mr. *Brownlow.*—Where are those panels kept?—The papers of old date are preserved in the office, in a room in Green-street, attached to the court. The papers of more recent date are preserved in an apartment in my house, where the business is executed.

Are you to be understood to state, as the probable reason of that panel of 1820 being missing, the death of your clerk?—The panel might not be forthcoming, if he was living; but he would have been the most likely person, I think, to have found it.

By Mr. *F. Lewis.*—Are you able to state how many common-council-men appear in the panel returned in Feb. 1823, consisting of 89?—I can, by reference to the document.—[The witness was directed to add this to his return.]

By Lord *Stanley.*—Are you aware of any remarkable circumstance attending the panel that is missing?—I was not aware of any importance attached to it, till the questions proposed to me this morning.

By Mr. *Bright.*—You are not aware of any circumstance in that panel differing from the complexion of the other panels?—No.

Are you aware of any irregular or unusual practice in respect of the formation of the panel of Jan. 1823, except as far as concerns the numbers put upon it?—None.

By Mr. *Denman.*—Have you any means of recovering that panel in Feb. 1820, from any other source?—I should suppose in the Sheriffs-office only. The panel was made out there, and most probably they may preserve a copy of it.

Can you obtain, yourself, the panel of Jan. 1817?—If I were in Dublin, I dare say I could.

Could you by sending for it?—I dare say it will be forthcoming.

Are there the means of seeing how many common-council-men were upon that panel, in the same way as it may be ascertained with respect to the panel of Jan. 1823, and of Jan. 1814?—Of course.—[The witness was directed to obtain those two panels.]

By Mr. *R. Martin.*—Are you not acting clerk of the crown for some counties in Ireland?—I execute the office of clerk of the crown on the home circuit, consisting of Meath, West Meath, King's County, Queen's County, Kildare and Carlow.

In this office, has it occurred to you to observe that a grand jury has been formed in going over 26 of the names upon the panel?—I think not.

Is it not an object with gentlemen in the counties, and conceived desirable by them, to appear at the assizes, and be upon the grand jury?—I have always observed a great desire on the part of the gentlemen, to attend.

And you are pretty certain that a grand jury was not obtained without calling for more names than 26?—I have no doubt of that.

By Mr. *Brownlow.*—Having stated that there was nothing else unusual on the face of the panel of Jan. 1823, except the small number of names put upon that panel, was it not unusual for 23 out of 26 persons to answer consecutively?—I thought I answered beyond the observations I have already made; namely, the smallness of the number on the panel; the extent of the number of common-council-men sworn on the grand jury, and the 13 common-council-men that were not sworn, to be added to that.

Then, in point of fact, there were three unusual circumstances attending that panel?—So it occurred to me.

Was there any thing unusual or irregular in the mode of composing the panel before the parties were sworn in Jan. 1823, except the number upon it?—It was unusual to have so small a number as 50 upon the panel; to have 14 common-council-men sworn on the grand jury; to have more than one-half of the whole panel common-council-men.

By Mr. *Ellis.*—You have stated Mr. Moore to be on that grand jury?—Joseph Henry Moore, of Bachelor's walk; I see he is. He also appears to be a common-council-man.

Can you say whether he was not a member of the former common-council?—Yes, he was.

Are not Mr. Moore and his family old and settled inhabitants of Dublin?—I do not know any thing of him; he appears to be a very respectable gentleman.

Was Mr. M'Guller, one of the persons indicted, a clerk to Mr. Moore?—I do not know. The persons indicted were Forbes, two Grahams, two Handwichs, and Brownlow.

By Mr. *S. Rice.*—Can you state, in reference to the panel of Jan. 1823, whether there are the names of any Roman Catholics upon that panel?—I believe there are not.

You can state, of your knowledge, whether, on former panels of commission grand juries, there were Catholics?—It is really a matter I never inquired into.

Have you ever known Roman Catholics serve on the commission grand juries for Dublin?—I have not a sufficient knowledge of the persuasion those gentlemen are of, to answer the question.

By Mr. *Plunkett.*—Do you recollect having at any time, and when, sent the six panels for the year 1822, to any person?—On the evening of the 1st of Jan. 1823, I sent the six panels to the house of the attorney-general for Ireland.

Was that the evening of the first day that the grand jury sat?—It was; the bills of the indictment were preferred on Wednesday the 1st of Jan. about two o'clock in the day; the grand jury remained together until towards five in the afternoon, the bills were not then disposed of; they were sent up the following day, and upon the evening of the 1st of Jan. I sent the panels in consequence of a message I received.

Were you sent by the court to the grand jury, in the evening of that first day?—I was; in consequence of the length of time that the bills were before the grand jury, the judges ordered me to go up to the grand jury, and ask them whether they were likely to dispose of the bills that were before them; and I accordingly went up.

Is it usual for the court to do so?—It is not.

Have you ever known it done on any other occasion. I cannot recollect that I do know of it. In general, the grand jury send down the bills pretty speedily after they are preferred; but it may have occurred; I cannot possibly charge my memory with it.

Had the court any business before them, to occupy them when they sent you up?—No; the indictments alluded to were the first, and I think the only ones preferred.

Have you any means of knowing the number of witnesses they examined?—I suppose a great number; they were sent down to the grand jury; how many they examined I cannot state.

How many were sworn?—I cannot charge my memory with it.

There were a great number sworn?—There were.

If the grand jury were to examine all those, would it strike you as any thing unusual the time they occupied?—It occurs to me they might have examined them all; but so much depends upon what each witness might have to say, I cannot say.

By Sir *J. Newport.*—What do you suppose to have been the reason that the court sent you up to the grand jury?—I should suppose it arose from a feeling in the court that the grand jury had had time to dispose of the bills.

What was the length of time that they were occupied, from the time that the bills went up till you went up by the desire of the court?—Three hours.

Were there not 27 witnesses?—No; there were not so many sworn the first day.

How many were sworn the first day?—I think not more than twelve. A great number were sworn the second day.

What answer did you get from the grand jury when you went?—That they had not disposed of them.

Did you report that to the court?—Oh, certainly.

Did the court make any observation?—I declare I am not aware of any.

Who were the judges?—Judge Moore and Judge Burton.

At what hour was it that you made your report?—I returned immediately; I think about five o'clock; the court then adjourned.

By Mr. *Brougham.*—Were you in your present office in the year 1811?—I was.

Did you know of a bill or bills having been preferred before the grand jury, by sir Edward Littlehales, on a charge of bribery?—There were two bills preferred at his suit.

Do you know what became of those bills?—They were ignored.

Do you know of any further proceedings that were had upon these charges?—I have seen an attested copy of an *ex officio* information, filed by the then king's attorney-general upon the same charges by Mr. Saurin, immediately after these bills were ignored, the following term.

Were any proceedings had upon that information?—It appears that there was judgment against the defendant for want of a plea.

Judgment went against him on the *ex officio* information after the bill had been ignored?—Yes.

In the courts of Dublin are there not two kinds of grand juries; term grand juries, and commission grand juries?—There are; and in Dublin a third, namely, the sessions.

But in no other part of Ireland are there three?—None that I know of.

The term, the commission, and the sessions, are peculiar to Dublin?—Just so.

In other counties of Ireland, there are the term and the commission?—There are the assizes and the quarter sessions.

Will you state what the sort of bills are that are preferred before the commission grand juries?—All felonies, all crimes in short within the city of Dublin that are preferred to any grand jury, except what are tried at the quarter sessions; in short, they appear to me to do the criminal assizes part.

Felonies and misdemeanors?—Yes; all the money transactions are taken from them.

But the commission grand juries deal with the charges of felony and misdemeanor?—Yes.

What do the session grand jury deal with?—They dispose of minor offences.

Minor criminal charges?—Yes, precisely; namely, assaults and petty larcenies, and other misdemeanors in short.

But matters of a criminal description?—Yes, matters of a criminal description; they also, I understand, present some money to their officers, and for certain local purposes; that is the session grand jury.

So that the sessions grand jury not only deals with petty offences of a criminal nature, but also with presentments respecting money to their officers?—So I have understood.

What do the term grand juries deal with?—The term grand jury present all money, with reference to Dublin, that is usually presented at the assizes.

I do not understand this: it is all Irish. Will you explain what you mean by the grand jury presenting money; what they do?—They present money to be raised off the city of Dublin for all public purposes.

To be raised on whom?—On the citizens.

In what way is it raised upon them?—Under those presentments.

Are they assessed according to their property?—The assessment takes place, I believe, with reference to ministers money, as it is called. [a laugh.]

We are getting deeper and deeper into ignorance. For what purposes is the money raised, which the term grand juries present?—A variety of purposes.

Will you name one or two?—For the gaols; all public works.

Roads?—Yes.

And bridges?—All within the city of Dublin; in short, it is a grand jury cess, as it is called.

Lighting and paving?—No.

Salaries to officers?—[The witness was directed to withdraw.]

Mr. *Dawson* rose to order. He said that they had before them the case of the conduct of juries upon criminal matters. The learned member was going into an examination with respect to their conduct as to civil concerns—a course which he submitted was irregular.

Mr. *Brougham* said, he had had his misgivings that there was something in the state of Ireland, and in every thing connected with the administration of justice in that country, which would make it a very ticklish thing to ask a single question about it during the inquiry in which the House was engaged. He was not, therefore, much surprised at the interruption which had just been made. The hon. member who had made the objection would only allow the House a farthing candle glimmering before their eyes, instead of a torch, to light them through what he foresaw would be neither a short nor a simple examination. Now that the House had, God be thanked, for the first time, entered into an investigation of the gross and flagrant abuse of the administration of justice in Ireland, it was absolutely and indispensably necessary that every circumstance that could throw light on that investigation should be brought forward. It was impossible that the House could proceed one step, unless they knew what they were really about, and when he, for the first time, had heard of commission and of session grand juries, and a variety of other names wholly new to English members, what was more natural than to ask for distinct explanations, in order to enable them to put further questions? With that view he had put a question to the witness. How far corruption might have lurked in the answer, he could not say, because the answer had not been given.

Sir *G. Hill* defended Mr. Dawson, from the sarcasms of Mr. Brougham, and said that he was most anxious for the fullest scope of inquiry.

Mr. *Brougham* complimented the hon. baronet on his candour and manliness in declaring for an open and fair inquiry. He denied having dealt out any sarcasms. He had no cause for doing so.

[The witness was again called in.]

By Mr. *Brougham.*—You say the term grand juries present money, that is to say, order money to be levied for bridges, roads, and other public works; do they order money to be levied for any other expenses?—The gaols, penitentiaries, all those public buildings; in short, all monies presented off the city of Dublin, that is not presented by the sessions grand jury, is presented by them; all public expenses.

Do the term grand jury and the sessions grand jury, taken together, levy money for the payment of the salaries of different officers?—They do.

What sort of officers?—Clerks of the crown.

Any other officers?—Clerks of the peace; they are called the town clerks in Dublin; for them a very considerable levy takes place, for a great deal of business is done in the Sheriff's-court; all gaolers and keepers of prisons, sheriff's fees; all demands of that sort.

Any other officers?—There are other minor officers belonging to the court, the officers of the court of King's-bench, and the officers of the Commission court.

All those they levy the money for?—They do.

Are those, or any of those, officers appointed by the corporation of Dublin?—The town clerk is of their appointment, I apprehend.

The gaoler?—Yes, and the gaoler.

Any of the others?—The sub-sheriff.

Do any other officers appointed by the corporation receive salaries levied by the grand jury?—I cannot charge my memory at present with any other officers; their presentments are very considerable.

Do you recollect any other purposes for which monies are levied by the term grand jury, besides those you have mentioned?—I cannot charge my memory with any others.

The expenses of the prison, and clothing and providing for the convicts?—Of course, I mentioned the gaol and the penitentiaries.

Who gives the contracts for the clothing of those?—The grand jury appoint. I apprehend, the expense of bread and milk, and all those matters for the gaol, is very considerable.

Who give the contracts for those?—I apprehend the grand jury.

By open bidding?—I do not know.

You do not understand that word?—I understand it perfectly.

Open bidding is when an advertisement is made, and any person tenders, and that person is accepted who offers on the cheapest terms. You do not know whether it is done by open bidding or by close contract?—I do not.

Who are the present sheriffs?—The sheriffs elect, are Mr. Arthur Perrin and Mr. Samuel Lampray.

Mr. Sheriff Thorpe and Mr. Sheriff Cooper are in office at present?—Yes.

When were the sheriffs elect appointed to succeed the others?—Within this month; they come into office in September.

Do you happen to know whether they were on the grand jury which ignored the bills against Handwich and Graham?—They were; both of them.

Do you know any thing respecting the details for the expenses that are submitted to the consideration of the grand juries in the city of Dublin?—I am not acquainted with the entire detail; I have looked over the presentments, as they have been printed.

Respecting contracts, have you never heard that there is a public competition for supplying the prisons with bread, and meat and clothes, and so on?—I declare I do not know; it may be so, but I am not aware of it.

Are you aware, that any person contributing to the payment of the grand jury levies, is able by law to traverse any presentment of a public kind that he thinks unfair and unjust?—I apprehend that all presentments are traversable.

By Mr. *Dawson.*—Do not you conceive, from your knowledge of the citizens of Dublin, that if any unfair presentment was passed by the grand jury of the city of Dublin, that would be instantly traversed?—I should rather hope it would.

If any improper practices are said to exist in the levying of money upon the citizens of Dublin, do not you think that the citizens are more to blame than the grand jury, if such practices exist, for not traversing the presentments?—Very likely; I may be erroneous, but I would not come to that conclusion. [The witness was directed to withdraw.]

Mr. *Goulburn* suggested whether it would not be for the convenience of the House, if the inquiry was to be entered upon to which the question of the hon. member would lead, to examine some witness who was well informed on the subject, which the present witness had acknowledged he was not.

Mr. *Grattan* thought it was impossible that the witness could answer the question.

Mr. *S. Rice* approved of the course of examination which had been proceeded in by Mr. Brougham.

Mr. *Wynn* asked whether it was proper that the House should examine a witness as to inferences? The witnesses ought to be called upon to state facts, and members might then make their own inferences.

Mr. *Brougham* imagined, from the question which had been proposed by the hon. member, that his questions must have been misunderstood. He had never charged the jury with malversation.

Colonel *Barry* thought the House ought to dispose of the case of the high sheriff in the first instance. He would then support an inquiry into the mode in which grand juries were constituted in Ireland.

Sir *J. Newport* thought it was impossible to disconnect the case of the high sheriff from the question of the constitution of grand juries.

Mr. *Dawson* said, he had only endeavoured to follow up the line of examination marked out by the learned gentleman. The learned gentleman had talked of the flagrant abuse of the administration of justice in Ireland. He (Mr. D.) wished to show that the people of that country, if they were improperly treated, had the means of redress in their own hands. He would not, however, press the question.

[The witness was again called in.]

By Mr. *Dawson.*—Has not any person in Dublin, or in any county of Ireland, who pays the grand jury cess, a right to traverse, if he thinks any presentment unjust and unfair?—I always understood so.

As clerk of the crown, you can, perhaps, give a more decisive answer than, that you always understood so?—In the counties on the home circuit, I know the fact; with respect to Dublin, I believe it to be so.

By Mr. *Brougham.*—Would the person traverse the presentment at his own expense, or the charge of the county?—At his own expense.

By Sir *G. Hill.*—You have referred to the ex-officio information which was tried in 1811; when was your recollection first called to the filing of that information?—This day.

Has it not been called to your recollection before this day?—No, it has not.

You have referred to documents this day, which prove a perfect accuracy of knowledge of the period, and the particulars, and the result of that ex-officio information, so filed in 1811?—I have.

Will you explain to the House, how you happened to be in possession of those peculiar documents?—With respect to the indictments, I was informed by letter from the clerk of the crown, under whom I hold a deputation, that he was applied to, for copies of indictments; they were in the commission court, of which I am an officer; they came over; he informed me that they were transmitted to London, and that he had examined them, that they were correct, and he called upon me to countersign them; I examined them, I compared them with an attested copy of the ex-officio information, of which attestation I know the officer and the signature, and upon that comparison I ascertain the fact.

You have not stated from what date those indictments were sent from Ireland to you?—I have the letter in my pocket; it is dated "Tuesday, 29th April."

Of what period were those indictments?—Of October, 1811.

Did the present crown solicitor in Ireland act in that capacity in October, 1811?—The crown solicitors at that time were Messrs. Thomas and William Kemmis, of which the elder of that firm is dead.

Mr. William Kemmis is the present crown solicitor?—He is.

By Sir *J. Mackintosh.*—Did he act as such, in conjunction with his father, in October, 1811?—I apprehend he did; he was young, however, and probably the greater part of the business was transacted by his father.

Have you an equal knowledge with him of those records in the office?—I have no knowledge of the ex-officio information that did not remain in my care; I have knowledge of the indictments in my court; but of the ex-officio information I have none.

By Mr. *Bennet.*—You have stated, that you have recently seen an attested copy of an ex-officio information in the case of sir E. Littlehales; where did you see that copy?—This morning, in the office or study of Mr. Blake.

Who is Mr. Blake?—A gentleman at the bar, I believe.

Was that sent to you, or was it sent to Mr. Blake to be given to you?—I apprehend it was sent to Mr. Blake; it was shown to me there.

Was it sent to Mr. Blake, or was it sent to the attorney-general?—I do not know; I did not see the envelope. The attested copy of the information was exhibited to me; I compared it with the indictment, and found the offence to be the same accurately; the same transaction; and I saw that the information was attested by Mr. Bourne, whom I know to be the clerk of the crown in the Court of King's-bench, and with whose hand-writing I am perfectly familiar.

By Mr. *Plunkett.*—Were not the attested copies of the indictments, and the information produced by the attorney-general for Ireland, at Mr. Blake's?—I think they were.

By Mr. *Bennet.*—What do you mean by their being produced by the attorney-general to you; did the attorney-general give them to you, or did Mr. Blake give them to you? It was in the office or the study of Mr. Blake.

Was the attorney-general present?—I think it was the attorney-general presented them to me.

By Mr. *Brownlow.*—Have you been in communication with the attorney-general since you have been over, upon this subject?—I have been here but a short time, and he has had recourse to me, and has asked me questions.

You hold a public situation under the crown?—I cannot say that it is.

You are clerk of the crown?—I am only deputy.

By what tenure do you hold that situation?—I may be removed to-morrow; I have no certainty of the tenure under which I hold; the gentleman who holds the patent has it for his own life, and his son's; but, I believe, I may be removed at any moment.

By whom?—By the gentleman who has the patent, under whom I hold the deputation.

You are removeable at his pleasure?—I apprehend so.

You are not certain of the fact?—I have heard it stated by gentlemen of great eminence at the Irish bar.

By Mr. *W. Courtenay.*—You are convinced that is the case?—That is my conviction.

By Mr. *Brownlow.*—You state, that you think it was the attorney-general who gave you the attested copies of the informations that were filed in 1811; are you not quite certain that it was he who gave you the copy?—I am.

You stated, that you were shown the ex-officio information by the attorney-general; was that for the purpose of comparing it with the indictment?—It was; and I did compare it with the attorney-general.

Was that indictment in your possession?—I was informed of its arrival, but it came under cover, I believe from the post-office or the castle to come free; it did not come to me, but I was informed of its arrival by the letter in my pocket.

Were you the person to whose custody it ought to have come?—I do not think that was material.

Was it directed to you?—No.

To whom was it directed?—The letter was probably directed to the attorney-general; but in the same packet I received my letter.

By Mr. *Plunkett.*—The indictment did come into your possession at last?—It did.

And it was for the sole purpose of comparing the ex-officio information with that indictment that the attorney-general showed it to you?—And of attesting it, which I have done.

You know the hand-writing of the person who has attested it?—Perfectly.

It was for the sole purpose of your knowing that it was the hand-writing of that person, and of comparing it with the indictment, that it was shown to you by the attorney-general?—Exactly.

The panels have been in your possession?—They have been; I brought them over with me in my trunk.

Have you had any other communication with the attorney-general, except on the subject of this inquiry?—Not the least.

By Mr. *H. Gurney.*—Is it, or not, within your knowledge, that in consequence of a great interest taken in those trials in the city of Dublin, almost the whole of the panel of fifty, sworn and unsworn, did attend?—I am not able to answer the question: I called the panel only down to a certain place; and whether more attended, or not, I really do not recollect.

Is it in your knowledge, whether the corporators of Dublin have, or have not, generally, a precedence on those panels?—I do not think they have, because on looking at the sworn grand jury, in now no less than nineteen instances, I find that upon many of those grand juries, there were none; no corporators; on some, one; on some, two. Now, for example; in a panel amounting to a hundred and seven, of which a hundred and five were called, there were but two common-council-men sworn on the grand jury.

Was it usual that those who were corporators of Dublin, stood at the head of the list?—I believe that is a matter into which I am to make an inquiry; I have not taken any account of the order in which corporators attend. [The witness was directed to withdraw.]

The chairman was directed to report progress, and ask leave to sit again. The House then resumed. The chairman reported progress, and obtained leave to sit again on Monday.

QUAKERS AFFIRMATIONS BILL.] Mr. John Williams moved for leave to bring in a bill "to render the Affirmations of Quakers admissible in Criminal Cases."

Mr. *H. Gurney* said, he believed he was warranted in stating, that the bill proposed to be brought in by the hon. and learned gentleman was by no means desired by the members of that body, who were perfectly satisfied with the law as it stood.

Leave was given to bring in the bill.

HOUSE OF COMMONS.

Monday, May 5.

REFORM OF PARLIAMENT.—PETI-

TION FROM EDINBURGH.] Mr. *Abercromby* rose to present a petition from 7,000 householders of Edinburgh. The petitioners laid most respectfully the peculiar state of the representation of their great city before the House. They offered no opinion on the great question of parliamentary reform, but confined their statement and their prayer to their own peculiar situation, asking that relief which the justice of the case should point out to the wisdom of the legislature. The number of the inhabitants of the city of Edinburgh exceeded 100,000. Since the union of the two kingdoms, Edinburgh possessed the privilege of nominally electing a representative in parliament: but who were the real electors? Thirty-three individuals sent to that House, the representative, as he was called of the city of Edinburgh; and even out of those thirty-three, nineteen elected their successors. In that number the privilege granted to the city of Edinburgh positively and substantially existed. What was the amount of property possessed by the thirty-three electors, compared with the property of the population, who possessed no voice? The property of the thirty-three electors did not exceed 2,800*l.* while the property of the whole was rated at 400,000*l.* per annum. Thus, the far greater proportion of the property, the rank, the talent, the education and the morality of the population of Edinburgh was excluded from any share in the election of its representative. They had no more share in returning to that House the right hon. gentleman opposite (Mr. W. Dundas), who sat there as their representative, than they had in the election of the member for Corfe Castle. The inhabitants of Edinburgh did not even know the day of election. The business was done in a close dismal room, and terminated in a snug and select dinner party. It was charged against the reformers, that they were disposed to theories, but against the prayer of the petitioners no such objection could lie. They complained of a practical grievance, and prayed for a practicable remedy. The right hon. gentleman opposite (Mr. Canning) had opposed any form of the representation, because of its variety and capability of representing all sorts of interests. This could not apply to Edinburgh, for there was no case analogous to it in the English representation. The state of the representation in Scotland, was uniformly bad. There was no such thing as a popular election in that country, nor did its inhabitants enjoy any constitutional means of assembling to make known their feelings and opinions upon political subjects. He promised to move for leave to bring in a bill early next session, to alter the mode of electing the member to serve the city of Edinburgh.

Mr. *W. Dundas* said, it had always been the wise custom of the House to strike at the root of abuses, when they were once exposed; but, in this case, no abuse was alleged to exist by the petitioners themselves. They, nevertheless, asked the House to do that which could not be done without the greatest injustice; they asked the House to infringe upon the chartered rights of the electors of Edinburgh—rights which, by the most solemn compact had been secured to them. He was satisfied that the House would not depart from their usual custom in this instance, nor proceed upon the allegations of a petition signed by persons who, though he did not know them, in point of numbers bore no proportion to the inhabitants of Edinburgh.

Mr. *Kennedy* was rejoiced to see this petition before the House, not only because, coming from so important a place as Edinburgh, it must command considerable attention, but because it would bring to the test the sincerity of those persons who said they would favour reform upon a special case being shown. The statement of his hon. friend had fully made out such a case: the result of his intended motion would prove the sincerity of the friends of reform. The right hon. gentleman had opposed the petition, and in doing so he had acted with perfect consistency: this was the petition of 7,000 of the inhabitants of Edinburgh—he was the representative of only 33 of them. Many persons in Edinburgh had refrained from signing the petition, from the ill-success of their previous attempts for a reform of the burghs.

Mr. *Calcraft* said, he believed the House were never before aware of the real state of the representation of the city of Edinburgh. It appeared that in a population of above 100,000 persons, the right hon. gentleman opposite was the representative of only 33, which number was in fact reduced to 14, by the circumstance of 19 electing their successors. The right hon. gentleman had lately finished his political career in a manner worthy of his whole course, by accepting a sinecure of 2,000*l.* a year. It was a melancholy view of the representation of this country. The speech which the right hon. gentleman had made, was in the true spirit of the representative of 33 constituents. It was concise and singular, inasmuch as it communicated the right hon. gentleman's ignorance of 7,000 inhabitants of the city he represented. He hoped his learned friend's appeal would not be disregarded; and that whatever gentlemen might think of the question of reform in general, the present was a case which they would deem worthy of support. He hoped, therefore, that his learned friend would bring in his bill; and that it would meet with considerable support. He even flattered himself that it would not be opposed by that great champion of the enemies of parliamentary reform, who, he believed, had been kept from assuming the government of India, that he might exert his eloquence in defence of the present state of the representation at home.

Lord *Binning* was at a loss to understand with what grace a sarcasm upon close representation could proceed from the hon. member for Wareham. After all he had heard of the meeting at Edinburgh, of the stage effect (for it was held in the theatre), of the exertions used, &c. he was astonished that out of a population of above 140,000, it was signed by only 7,000 persons. Every one who knew the facility with which all manner of men, women, and children, were got to sign petitions in large towns, and more particularly those who knew the extraordinary efforts which had been used to procure signatures to the petition before the House, must be surprised that they were not more numerous. Those persons who professed themselves friends to partial reform, had been called upon to support this petition. It was not in answer to that call that he rose; for he was no friend to partial, or temperate, or moderate, or any other kind of reform: but he thought this was not the case even for those gentlemen to support. No case had been made out which possessed peculiar claims. The case of Glasgow, for example, was much stronger. He considered this as an attempt to introduce parliamentary reform by piece-meal, and he trusted the House would resist it.

Mr. *J. P. Grant* said, that to what had just been dropped by the noble lord, coming as it did from a professed enemy to all kinds of reform, it was not his intention to offer any argument; but, to those who had said they were ready to support the cause of reform where a case for it was made out, he put it whether any could be stronger than the one submitted by his hon. friend. To the objection, that the object of the petitioners was to infringe on the articles of the Union, he replied that they sought not to deprive the present electors of their rights, but to extend similar rights to others equally entitled to them.

Sir *R. Fergusson* said, that so far was the petition from being signed by women or children, that of the 7,000 signatures there was not one of any person who did not reside in a house of 5*l.* a year in value.

Mr. *Hume* believed that there were not more than 10,168 houses in Edinburgh of more than 5*l.* a year each in value. Deducting one-fourth of that number as being inhabited by females, it would appear that the petition was signed by within 500 of all the male inhabitants of Edinburgh who resided in houses of above the value of 5*l.* a year. In his opinion, a stronger case could not exist.

Mr. *H. Drummond* denied that the petition expressed the sense of the population of Edinburgh. If there had been a strong feeling on the subject, it would have been signed by 40,000 persons.

Ordered to lie on the table.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a committee of the whole House, sir Robert Heron in the chair,

Mr. *Benjamin Riky* was called in, and further examined

By the *Chairman.*—Have you any returns to present to the committee?—I have. [The witness delivered in "A Table of the several panels of grand jurors returned by the sheriffs of the city of Dublin, &c."]

By Col. *Barry.*—In your testimony on the former evening, you stated, that the grand jury took the best part of two days to consider of the bills of indictment?—They took from two o'clock until five on Wednesday, and from about ten on Thursday, until towards two.

Do you know what became of bills of indictment between the two days?—They were delivered to me.

Were they returned to the grand jury on the second day, in the same state that they were in the first day?—Not exactly.

What difference was made in them?—There

had been an error in the indictment, which I discovered, and pointed out to the counsel for the crown in the morning, and that error was corrected.

The bill of indictment was altered?—It was.

Who altered it?—The crown solicitor.

Do you conceive that any person has a right to alter a record of the court; have you ever known an instance of a bill of indictment being altered while under the consideration of the grand jury?—I have.

State the instance?—Frequently at the suggestion of the grand jury themselves.

With or without the leave of the court?—Without the leave of the court.

Did you ever know it at the suggestion of a prosecutor?—In some degree it is at the suggestion of the prosecutor, for he is under examination in the grand jury room, and if it appear that a matter of fact is erroneously stated in the indictment, it is returned to the officer to correct it: the clerk of the crown, if it is a government prosecution.

Was this alteration by the desire or with the cognizance of the grand jury?—The alteration took place at my own suggestion.

Was it at the desire or the suggestion of the grand jury, that the alteration was made?—It was not.

At whose suggestion or desire was it made?—I believe at mine.

You mentioned that it was by the counsel of the crown?—I discovered the error in the course of the evening, when I came to enter the indictments, that is, to form an abstract for the judges, and the next morning I suggested that the indictment contained that error to, I think, the solicitor-general.

What was the error?—The error was merely this: the offence took place on the 14th Dec.; the indictment stated that it was in the fourth year of the king's reign; I knew that it was in the third; and I suggested the alteration from the fourth to the third.

Did you hold yourself authorized to make that alteration without the leave of the court?—I did not make it.

Who did make it?—I made the suggestion to the solicitor-general; Mr. Townsend was also in court; he was disposed to think the indictment was right; however, on examination, the indictment was found to be wrong, and it was amended by the crown solicitor.

With his own hand?—He took the indictment into the chamber; I suppose he did not wish to be seen doing any act with respect to it in the court; he took it into the chamber, and it was there done.

Why do you think he did not wish to be seen doing any act with respect to it in open court?—The court was very crowded.

Why should he not wish to be seen doing any act with respect to it in open court?—I declare I do not know; it was an awkward place to engross or do any thing to an indictment there.

Why should he be ashamed?—I do not know that he was ashamed.

Why should he wish not to do it in open court?—I declare I do not know; I state the fact; he withdrew to the chamber, which was just in the rear of the court, it occurred in twelve or fourteen places, the fourth year of the king's reign.

If that bill of indictment had been found by the jury in the state in which it was originally presented, could the persons, if found guilty, ever have been brought up for judgment?—I think it ought to have been quashed.

It was the crown solicitor that made the alteration in it?—Yes, from the fourth to the third; I believe so; it was to him I gave it, and he withdrew with it.

Were there any other alterations made but that in it?—None that I know of.

The alteration was a mere matter of form, and not of substance?—Exactly so; the bill of indictment was not acted upon by the grand jury at that time.

There was no indorsement upon the indictment by the grand jury before the alteration was made?—None.

That indictment might have been withdrawn, and another more accurately drawn presented?—Exactly so.

By Mr. *Scarlett*.—The alteration was not made before the indictment went up before the grand jury?—The indictment went up on the Wednesday; a number of witnesses were examined; and it was returned in the evening.

Returned found?—No, nothing was done upon it.

It was before the indictment was found that the alteration was made?—Yes, certainly; I could not have suffered an alteration to be made in the indictment after the grand jury had acted upon it.

By Sir *J. Stewart*.—How many persons were in this indictment?—I believe there were ten.

Was there any interlineation of a name after that indictment had gone up to the grand jury?—None that I know of.

Was there any interlineation at all in it?—I believe there are interlineations in the indictment.

Of names?—Of names.

That indictment charged certain persons with a riot and a conspiracy?—It did; there were two bills.

How did those persons appear to you, from the gaoler's calendar, committed; under what charges?—Their cases were distinguished upon the calendar.

How many were committed under a charge of conspiracy to murder?—I believe three. James Forbes was one; one of the Handwiches was the second; one of the Grahams was the third. There were two Handwiches and two Grahams.

Perhaps you can state the person they were charged with a conspiracy to murder?—Perfectly: His excellency the Lord Lieutenant.

They had lain in gaol under this charge a considerable time?—For some days.

Without bail?—Three of them appeared in

custody on the gaoler's calendar returned to me.

You probably recollect the time that those persons were committed; did it not make a very serious and very awful sensation in all Dublin? [The witness was directed to withdraw.]

Mr. *Goulburn* said, they were assembled to inquire into the conduct of the sheriff of Dublin, and he could not see how such a question was at all referable to his conduct. The inquiry would be interminable, if they did not adhere to that which was alone the subject of inquiry.

Sir *J. Stewart* defended the relevancy of the question he had put, and denied that the examination could be narrowed in the way recommended by his hon. friend.

The *Chairman* thought it was utterly impossible to lay down any strict line as to the nature of the questions that should or should not be put. A question which did not at first appear relevant, might lead to very important inferences.

Mr. *J. Williams* argued, that a parliamentary inquiry demanded a greater latitude than an inquiry in a court of justice.

Colonel *Barry* contended, that they would do nothing if they confined the inquiry to the conduct of the sheriff. He had put questions which did not go to that point, but which he could not consider as irrelevant. One learned member (Mr. Brougham) had declared his intention to conduct the committee into an inquiry with respect to the whole state of the administration of justice in Ireland. With such a declaration as this before them, how could an extended examination be avoided?

Mr. *J. Grattan* observed, that if they were to go into an inquiry into the conduct of the guild of merchants, and of the Lord-lieutenant of Ireland, the investigation would be without end.

The *Chairman* strongly recommended that hon. members would, in their questions, as far as possible, limit their inquiry to matters of strict fact.

Sir *J. Mackintosh* wished the recommendation, as far as practicable, to be adopted. Still he thought that acts of the grand jury might eventually affect and involve the conduct of the sheriff.

[The witness was again called in.]

By Sir *J. Stewart.*—Do you recollect an address from the lord mayor and a body of the respectable corporation of Dublin to the Lord-lieutenant on his escape?—I do.

Have you any recollection of the gentlemen who signed the requisition, or any of them, for calling that meeting?—It was signed by a great number, and amongst the rest by myself.

Do you recollect being asked the other day, about a Mr. Moore, who was one of the grand jury?—I do.

Was not he one of those who signed that requisition, and one of the first?—I do not know; there were a great number, and I signed my name, and the names of two others who directed me to do so. I did not see his name, but I think it is very likely that he did.

Do you know whether any of the grand jury, and if so, how many, signed that requisition?—I cannot charge my memory with that.

Do you know Mr. Chambers, a solicitor of Dublin?—I do.

He was the solicitor for Mr. Forbes, one of the persons indicted?—He was.

Is that the gentleman who now sits at the side of the sheriff, as his confidential adviser?—That is the gentleman.

By Mr. *Nolan.*—Do you know whether, being elected as common-council-man is not considered as an exemption from serving on the commission grand juries?—I do not know that it operates as an exemption.

Is it considered as a favour for a common-council-man to be put upon a commission grand jury?—I had rather understood it to be a favour to be off of it.

Do you know, whether the usual practice is, for the sheriff to return an open panel, or a signed one, for the grand jury?—A signed panel.

Do you mean that the panel is signed in the first instance, or that it is first returned, without signature, and afterwards signed in court?—Signed in the first instance.

Were you present at the time that this grand jury was returned?—The sheriff handed me the panel.

Were you in court at the time, and did he hand it to the proper officer?—The sheriff handed it to me as the proper officer.

Do you recollect any observation made by the court considering the number of traversers, as to the propriety or impropriety of returning so small a panel?—I do not.

According to the practice in Dublin, after a grand jury panel is signed by the sheriff, can any be added to it?—If there is not a sufficient number on the panel as returned, the sheriff frequently adds to it.

With reference to the common jury panel, the jury to try, is that returned as a signed panel?—It most usually is.

After it is signed, can any persons be added to it regularly?—I have known the sheriff directed to take his name from the panel, in order that he might have an opportunity of enlarging it, By Colonel *Barry.*—Were you by at the time the petit jury were called before the court?—I was in the court of King's-bench when the jury were called over to try the ex-officio information.

Do you recollect any observation being made by the court at that time, as to the smallness of the panel returned?—I cannot distinctly bring it to my recollection.

Any thing said as to the number of traversers?—At some period or other I remember the observation falling from the court, but when, distinctly, I cannot bring to my recollection,

What was that observation?—It was with reference to the small number of jurors returned.

Was it stating that they were too small?—Yes, with reference to the smallness of the number.

Finding fault with the smallness of the number?—That was the impression that it made upon me.

Was not that at a subsequent commission? —It was not at a commission at all.

It was not at the commission where this grand jury was impanelled?—It was at the trial of the ex-officio information.

It had nothing to do with the grand jury with reference to which you have been examined?—No.

Who was the presiding sheriff to that commission?—It was a trial at bar, in the court of King's-bench; the same sheriff who returned the grand jury.

If the panel had been double the number that it was, would it have made any alteration in the persons who were sworn on the grand jury at the commission?—of course those that followed afterwards, would not have been called when the first six-and-twenty of the grand jury appeared.

By Mr. *Brownlow.*—Do you know how many of the January grand panel are to be found upon the preceding panel in October?—I think sixteen.

You stated that you were in the court of King's-bench when the jury were impanelled to try the ex-officio information?—When the jury were called over; I was brought there as a witness.

Did his majesty's attorney general challenge a great number upon that panel?—There were a number set by on the part of the crown.

Do not you believe that 29 were the number?—There were a good many, but I cannot speak to the number.

Do you know who was the foreman of that jury?—I do not recollect.

Do you think Mr. Francis Mills was the foreman?—I believe he was.

Was Mr. Francis Mills upon the commission grand jury panel in January?—I do not know.

Will you have the goodness to see, whether Mr. Francis Mills was upon that panel?—[The witness referred to the panel] I find that he is.

Then the foreman of the jury, to try the ex-officio informations, was one of the grand panel of January 1823?—He was.

Do you not recollect, that many were called before his name was called?—I do not.

You were understood to say you were there; but you do not recollect that circumstance?—I do not.

Do you know whether Thomas Fry was on both juries?—[The witness referred to the panel] I find that he is.

Do you know whether Mr. Moore is not brother-in-law to the provost of Trinity college in Dublin?—I do not know.

Do you know Mr. Moore, the solicitor, in Dublin; a neighbour of yours?—Yes, perfectly well.

Do you not know that he is brother to the gentleman on the panel?—I really do not know, but I always understood he was a most respectable gentleman.

By Sir *N. Colthurst.*—Do you recollect any of the Bank directors of Dublin having been challenged by the Crown on the petit jury?—I cannot bring to my recollection any such circumstance.

Then, in point of fact, the law officer of the crown felt it incumbent upon him to object to a greater number upon this panel than on usual occasions?—Yes, it appeared so.

By Mr. *J. Williams.*—What number did Mr. Mills appear upon the commission grand jury panel?—No. 29.

What was Mr. Fry's number upon that panel? —No. 37.

Do you recollect the number specified in the precept?—The precept, I think, mentions twenty-four.

Do you know, whether the two jurors who served upon the *ex officio* information, and who had been upon the grand jury panel, had been among the number of those who were or were not sworn?—The Two persons, Mills and Fry, were not sworn on the grand jury; they were merely on the panel.

Within these few years, has it not been usual to call Roman Catholics on grand juries?—I have known it occur frequently, latterly.

You act as clerk of the Crown in a great many counties, and in a great many of those counties do you not recollect Roman Catholics being called upon the grand panel promiscuously with others?—I have; and sworn.

Were you present when the result of the trial of the ex-officio information was announced in the court, by the withdrawal of a juror?—I was not.

You have no knowledge of any ulterior proceedings being intimated by any person, to be taken after the result of a juror being withdrawn?—I have not.

Mr. *Terence O'Reilly* called in and examined

By Mr. *J. Williams.*—What is your situation? —An attorney, in Dublin.

Where have you resided carrying on that profession?—In the city of Dublin.

Were you residing in Dublin at the time that the commission jury was sworn in January last?—I was.

Do you remember when the bills went before the grand jury?—Perfectly.

Were you in the court, or in the neighbourhood of the court at that time, when the bills were before the jury?—Alternately in the court and in the neighbourhood of the court during the first and second days of the commission.

On either of those days did you see Mr. sheriff Thorpe?—Frequently.

Were you present when it was announced that the bills were ignored?—I was.

To whom was that announced?—In the office of the clerk of the crown, Mr. Allen and Green's office in Green-street; in an office adjoining the court-house, in the same building with the court-house in Green-street, Dublin.

Were you in that office at that time?—I was.

Were any other persons there?—There were.

Can you name any of them?—It was an office of public intercourse, and a great number of persons occasionally go in, and retire; at that particular instant I do not recollect that there were many persons; the conversation alluded to, was directed chiefly to a gentleman of the name of Ward, a professional gentleman.

Was sheriff Thorpe in that office?—He was.

How near to the time of the news arriving of the bills being ignored?—From an hour to three quarters of an hour previous.

Did you hear Mr. Sheriff Thorpe make any observation to Mr. Ward, or to any other person, at the time you have now alluded to?—He came into the office where I was, and said, "There will be no bills found: have not I managed it well? and my business being done I have no further here."

How was he dressed at that time?—He had his appointments of sheriff, his cocked hat and sword. He took those off; the hat I am not quite positive about; he put on his surtout and immediately went away, as if to communicate the news elsewhere.

Did you hear him say any thing else?—No.

Do you know any other person who was present at the time, besides Mr. Ward?—There was Mr. Macnamara an attorney.

Did you mean to say that he had nothing further to do there?—Yes; at that place.

By Col. *Barry*.—How many persons were there in the room?—Sheriff Thorpe, myself, Mr. Macnamara, and Mr. Ward.

Do you suppose there were any others in the room?—I dare say there were, but as to the identity of them, I cannot speak to that.

Were there any clerks in the room?—I am quite sure there were not then; I was standing behind the counter, and there were but three there; and it is the usual place where clerks were, that I was.

Did Mr. Sheriff Thorpe say this in a loud tone of voice?—He did, in an exulting manner.

Did he speak it as loud as you are speaking now?—I rather think not.

But so that it could be heard by any person who was in the room?—Yes.

Had you any conversation with Mr. Ward about the probable finding of the jury?—I am not quite certain; Mr. Ward will of course tell you if I did.

Did you make any observation to Mr. Ward afterwards, respecting the declaration of Mr. Sheriff Thorpe?—I am not quite sure whether I did.

Have you ever mentioned to any person that you had a conversation with Mr. Ward?—No, never.

When did you first mention this declaration of Mr. Sheriff Thorpe after you heard it?—Whenever the subject came to be discussed.

When did it come to be discussed?—It occurred very often.

When did you first mention it?—I do not recollect having mentioned it at any particular time so that I could state it exactly, until I was applied to as to giving evidence as to another fact, which I was not competent to do; and I stated my incompetency to do it.

Who applied to you to give evidence as to that fact?—A Mr. Costelow, an attorney.

Was it a fact connected with this inquiry?—It was certainly connected with this inquiry; respecting some juror, or something of that sort.

To whom did you mention this fact first?—To young Mr. Plunket, the attorney general's son.

When?—On Monday or Tuesday last.

Do you remember any particular person to whom you mentioned it previously to Monday last?—I do not.

Do you believe that you mentioned it to any one in the interim?—I did to many.

You do not remember them?—I do not.

But you are clear you had no conversation with Mr. Ward upon the subject?—Perfectly clear.

After Mr. Thorpe left the room?—After Mr. Thorpe left the room.

You did not mention it to him?—I did not.

What induced you to communicate with Mr. Costelow upon the subject?—I never communicated willingly with Mr. Costelow; he stopped me in the hall of the court where we were in the habit of meeting each other, and asked me whether I recollected the circumstance which occurred at the commission.

What circumstance was that?—With respect to a juror that wanted or wished to be on the grand jury of January 1823; and I told him I was quite ignorant on that subject, and could give no evidence whatever of it; that I was most anxious not to give any evidence upon the subject, and that I would feel greatly obliged to him not to press any thing upon me; that I was circumstanced in a way now that it would be vital to my interests in a variety of ways to come forward.

Was that grand juror's name Poole?—It was.

When had you this conversation with Mr. Costelow?—The same day that I had the communication with the attorney-general's son. About Monday or Tuesday last.

By Mr. *Brownlow.*—Do you come here by order of this House?—I come here by order of the crown solicitor, who told me, with young Mr. Plunkett, there had been an order moved for; and in order to get a speedy return I came here in order to give my evidence, and get back to my professional pursuits and my family.

The order of this House never reached you?—It did not.

Then you are a volunteer?—I am, so far.

When did you leave Dublin?—On Friday morning.

Where have you been since your arrival in London?—In one of the hotels.

What hotel is it?—I do not recollect the name precisely.

Is it the Salopian?—That is the name of it.

Have you been talking with any one since you came to London, with reference to the evidence you are to give in this House?—I have.

Is it Mr. Blake?—That is the gentleman.

Were you with him to-day?—I was

Who told you to go to Mr. Blake?—I called at the attorney-general's this morning, and told him that I had arrived; he was not aware that I had, I believe, until I did come. He felt obliged, he said, for my prompt attendance, and requested I would call on Mr. Blake; which I did.

What did he mean by your prompt attendance?—Coming, probably, without the order of this House.

And he begged you to go to Mr. Blake?—He did.

And you went to Mr. Blake accordingly?—I did.

What conversation had you with Mr. Blake?—I wrote down for him the evidence I could give.

Did he not ask you what you could give, as to such and such questions?—He did not.

What did he do with the written evidence you wrote down?—I do not know.

Did he talk to you at all upon the subject of the evidence you could give?—Yes, he did.

What did he say?—He asked me the evidence I could give; and I said, the shortest way will be, for me to write it down; and he said, it would; and I wrote it down.

And you had no further conversation with him?—No.

By Mr. *Brougham.*—You have not lived in Cotton-garden since you came here [a laugh]?—I do not recollect that I have.

Had you any particular acquaintance with young Mr. Plunkett?—No.

Or with Mr. Plunkett, his majesty's attorney-general for Ireland?—I never spoke to him, but on professional business.

Have you any acquaintance with any member of this House?—I have the honour of knowing many of the members of this House; not intimately.

Are there any you know more than others?—I think I know Mister Ellis more than others.

By Mr. *J. Williams.*—You have stated, that Mr. Sheriff Thorpe, and Mr. Ward, and yourself, were behind the desk at which the clerks of the office are usually placed, at the time this conversation took place?—Yes.

Did Mr. Sheriff Thorpe address this conversation to Mr. Ward, as to a person with whom he was intimate?—Yes, I conceived it so.

By Mr. *Scarlett.*—You have said you were unwilling to give any evidence, were you rightly understood?—Yes, perfectly so; for I was so circumstanced that nothing but a sense of duty would oblige me to do it; I come here at very great inconvenience to my private concerns.

By Mr. *Grattan.*—Do you mean to say, that you expressed to Mr. Costelow your disinclination to attend?—I did, and to Mr. Plunkett, too, and to every person who spoke to me upon the occasion.

By Mr. *Brownlow.*—Were you acquainted with Mr. Sheriff Thorpe's person at the time he came into the office?—I knew him as sheriff, but I never knew him until he was made sheriff.

You have said that Mr. Sheriff Thorpe said, the business had been very well managed; was there any allusion to the jury at that time?—I conceive that he alluded to the management of impanelling the jury, by the expressions that he used.

By Mr. *C. Calvert.*—You were understood to say, that the words he used were, "there will be no bills found?"—Those were the words.

And he said that in a loud tone?—Yes.

By a *Member.*—And you had no previous knowledge of him, except in his capacity of sheriff?—Yes, I knew his person as sheriff.

How came it that you never mentioned it to any person until you mentioned it to Mr. Plunkett, jun.?—I have mentioned it frequently; but the particular persons I am not prepared to name.

You have not named any person except Mr. Plunket, jun., to whom you have mentioned it?—There were a great number of persons present besides those: Mr. Macnamara and Mr. Ward, those can vouch for it.

You cannot name any other individual to whom you mentioned it, except to young Mr. Plunkett?—No.

By Sir *J. Mackintosh.*—Did you state Mr. Sheriff Thorpe to have used those words in an exulting tone, and in a voice loud enough to be heard by you?—He did.

Are you rightly understood in having begun to say, that you probably had conversed, since the occurrence of that interview, with Mr. Macnamara, the other gentleman present?—That is precisely my evidence.

Did you hear the whole of the conversation that passed between the sheriff and Mr. Ward?—I am not quite sure; they seemed to be very intimate, and I would not obtrude myself any thing more than that which was said so loud.

Are you sure there was nothing said previously to that you have repeated?—Certainly not.

By a *Member.*—You say that the sheriff left the room as if to communicate the news; what news do you mean?—The news of the bills being thrown out, against the rioters.

Did you not say that this conversation passed three quarters of an hour before the bills were thrown out?—I do.

How do you reconcile it, that the sheriff should leave the office to carry the news of the bills being thrown out, three quarters of an hour before they had been thrown out?—To communicate to his friends in the city, that the bills had been, or would be, thrown out.

Do you know whether Mr. Sheriff Thorpe had been previously in the grand jury room?—I do not.

Were you in court when the bills were returned?—I was not; but I was so near that I knew it immediately: I was in the office that just the hall divided.

How long was that after Mr. Sheriff Thorpe came into the office?—About three quarters of an hour.

Will you take upon you to say it was not three o'clock when Mr. Sheriff Thorpe came into the office?—I do not think it was.

Do you know whether Mr. Sheriff Thorpe had been in the habit of employing Mr. Ward as his attorney?—I know nothing about it.

By Mr. *Brownlow.*—After you first heard it, and between that time and the time of communicating it to Mr. Plunket, had you not made many persons, or some persons, acquainted with the information you possessed?—I do not know any person that I communicated it to; but Mr. Macnamara, being present, was aware of my knowledge of the transaction.

You have already stated, that you had communicated it to many persons?—I did.

You now tell us you never communicated it to any person?—I say, I do not know any person that I can name at this instant, that I communicated it to.

By Mr. *Denman.*—Did any person come from the grand jury room to Mr. Sheriff Thorpe, about that period?—Not that I saw.

Was there any thing from which you could infer, that Mr. Sheriff Thorpe had received any particular information with regard to the probability of the bills being thrown out?—Nothing but his coming into the room, and announcing this.

By Mr. *J. Williams.*—Was there any thing particular in the manner of Mr. Sheriff Thorpe when he came in?—He came in, in an exulting manner, and announced it at once; every body that was there might have heard it; I believe, at the very instant, there were very few in the room.

Mr. *Dillon Macnamara* called in, and examined

By Mr. *Scarlett.*—What is your profession?—A solicitor and attorney.

Were you near the court at the time when the commission grand jury, in January last, were sitting upon the bills that were before them?—I was.

Did you, upon that occasion, see Mr. Sheriff Thorpe?—I did.

Where did you see him?—At various times in court during the day, attending to his duty as sheriff.

Do you remember seeing him at any time in the clerk of the peace's office, adjacent to the court?—I did.

What time of the day might that be?—I think it was between two and three o'clock. I cannot be precise as to the time; about the hour of three I should think.

Do you remember who were present in the room when you saw him there?—No.

Can you name any persons that were present?—Mr. O'Reilly was present; there were several persons in and out of the room that day, all day; whether they were present at that precise period I cannot undertake to say.

Do you recollect Mr. Sheriff Thorpe coming into the room, whilst you and Mr. O'Reilly was there?—I do.

Did he make use of any expression in your hearing?—He did.

State what you recollect him to have said?—He might have said various things; but relative to the bills, he mentioned, that they were ignored; or, that there were no bills.

To whom did he address that remark?—He expressed it to some friend who was there; Mr. O'Reilly mentioned to me who that gentleman was, but I could not say positively that that was the gentleman; if I was allowed to speak upon my belief, I believe it was.

You believe it was whom?—A Mr. Ward.

Did you hear any question put to him, on any remark made by that gentleman to him?—He asked him, had the bills come down from the grand jury; he said no, but you may make your mind perfectly easy as to the result.

Was there any thing particular in his tone, or manner, when he said that?—He seemed to be well pleased at it.

Did he stay in the office?—No, I think he went away almost immediately after.

Do you remember how he was dressed when he came into the office, or whether he changed his dress before he left it?—I made no remark at the time as to his changing his dress.

Was there any conversation that occurred immediately afterwards between you and other persons, upon the subject?—There was a general conversation in the private room, saying, that they anticipated the result of those bills, inasmuch as there were persons on the jury who would not find true bills against the persons

Was there any list of the grand jury in that office?—Yes.

Was that list looked at, at the time, to ascertain the names of the persons?—Yes.

Did you know the individuals whose names were on the grand jury?—Yes, some of them.

Can you take upon you to say whether the persons present specified a certain number of grand jurymen that they thought would not find the bills?—There was conversation in the office among the persons that were there, stating that there were persons of a certain——

Mention the word?—That there were fifteen Orangemen upon the grand jury; and other gentlemen said that there were seventeen.

This was a conversation resulting from what the sheriff had said in the outer office?—It was.

When did you first mention this conversation to any body afterwards?—I do not remember mentioning it till there was a summons from this House for some gentlemen to attend; there were some acquaintances of mine in the court-house of Dublin, talking of what they could be summoned for, and I mentioned, quite accidentally, what I have just now related, and I immediately got a summons to attend.

Do you know Mr. Costelow?—I do; it was Mr. Costelow I was mentioning it to.

By Colonel *Barry*.—Can you specify any other persons who were in the office at the time those conversations were supposed to take place?—I cannot, with certainty.

How many, do you suppose, were in the room at the time?—I really could not say, with accuracy; there were some of the clerks in the office, I should think; and some five or six other persons.

Where were the clerks standing or sitting?—I took no notice of that whatsoever.

Where were you standing when you heard the words?—I was standing outside the counter.

Who was inside the counter?—Mr. O'Reilly, I think, was inside the counter, speaking to a gentleman there; I should rather think it was Mr. Ward.

The conversation you have stated with respect to the gentlemen of the jury, was after the sheriff was gone out?—Yes.

In the same room?—No, in the adjoining room.

Do you recollect hearing from any quarter, or ascertaining before you went away, that the bills had been ignored?—In about an hour afterwards or something better, the bills were then publicly ignored.

What do you mean by that?—That every person in court knew it.

By Mr. *Scarlett*.—Were you in court when the grand jury came in with the bills?—I think I was, I certainly heard Mr. Plunkett make some observations, which makes me think I was in court at the time.

How long was that, after the conversation which you heard sheriff Thorpe have with a gentleman?—An hour or better.

Do you recollect what those observations were that Mr. Plunkett made?—It was a kind of lecture, leaving them to their God, I believe.

By Mr. *Brownlow*.—Are you an Orangeman?—No, I am not.

Do you belong to any association in Ireland?—No; some seven or eight years ago I was a freemason; I have been a very bad member, for I have never attended these four years.

Do you know Mr. Mansfield?—I do; he is a clerk in the sheriff's office in the city of Dublin.

Do you recollect having had any conversation with Mr. Mansfield, in order that he might pack a jury for a client of your's?—I certainly do recollect some eight or nine years ago, when I was a very young man in the profession, that there was a person who was a clerk of mine; it was the only criminal case I was ever concerned in in my life; and my client, who was concerned in forging stamps, I believe was afterwards transported; his trial occupied twelve hours; I think he told me that if he could get some friends of his upon the jury, and gave me some friends, if I could prevail upon the sub-sheriff to get his friends upon the panel, he would remunerate the sub-sheriff handsomely. I think it my duty not to conceal any thing, I do not know what the consequences may be; I am perfectly independent of the profession, and I would not conceal any thing which had passed.

Did you communicate those names, with the offer of the bribe, to the sub-sheriff?—I do not think I communicated the names to Mr. Mansfield, but I communicated the substance of my message to him, that if he would put certain persons on the jury, whom my client would wish to be on it, he would be remunerated handsomely.

Do you recollect what Mr. Mansfield's answer to you upon that occasion was?—I think he said, that the jury was out of his power, as it was taken up by the crown; or, that the solicitor of the Stamp-office had ordered the panel to be returned to the castle, or something of that kind; and that he had not an opportunity, even if he wished.

Mr. Mansfield is summoned to the bar of this House?—I heard so this night.

Did not Mr. Mansfield indignantly reject the offer of a bribe?—He said what I have mentioned, that, even if he wished it, it was not in his power; for that the panel was ordered by the crown solicitor, or ordered by the castle; indeed, I think further than that, that the men that were summoned on the panel were not to compose the jury.

Did not he reject the bribe?—He did not get the bribe.

Why did not he get the bribe?—Because he did not do what I wanted.

Was your client tried?—He was: and was transported.

By Lord *Milton*.—Who was the crown's solicitor then?—Mr. Kemmis.

You said it was a crown prosecution?—It was a prosecution at the suit of the Stamp office.

Who conducted it?—The solicitor for the Stamp-office, Mr. Burrow.

Who were the counsel?—I believe Mr. Townsend was one of the counsel on the part of the crown.

Were the attorney or solicitor general employed in the case?—I cannot recollect.

How long ago is it since this case took place?—It was either in 1815 or 1816.

What was the name of your client?—Gallaghan.

You state, that you never thought of this transaction till it was brought to your notice, that you might be questioned upon it; what do you mean by that?—I met Mr. Mansfield, in the lobby of the house, about an hour since; and he told me, that he thought it was fair to mention it; that the party on the opposite side of the court, that he conceived I was summoned for, were aware of the fact; and that he thought it might be asked, that I might be prepared.

By Mr. *Hume.*—What do you mean by the panel having been ordered, in that case, by the crown or the castle?—I took the answer from the sub-sheriff or Mr. Mansfield, that it was not in his power, that the jury that he summoned were not the jury that would be sworn upon the trial of the case.

By a *Member.*—When Mr. Sheriff Thorpe stated, that the bills would be ignored, did he add, "have I not done my business cleverly," or words to that effect?—He mentioned words to that effect, certainly; "have not I managed the matter well;" or words to that effect.

By Mr. *W. Williams.*—Did you deliver a statement in writing to Mr. Blake, of what had passed in the office from Mr. Sheriff Thorpe?—He begged of me to put down in writing what I could communicate, and I did so.

By Mr. *Goulburn.*—Were the words just stated by you, "have not I managed the matter well," contained in your statement given to Mr. Blake? —I should think they were.

Have you any doubt of those words having passed?—As to the substance of them, none in the world.

By Mr. *W. Williams.*—To whom were those words addressed?—I cannot positively state; but Mr. O'Reilly having stated to me that they were addressed to Mr. Ward, I believe they were.

Were they addressed to a gentleman near Mr. O'Reilly?—Yes.

By Mr. *Denman.*—Had any thing occurred, within your observation, that should induce Mr. Sheriff Thorpe to suppose the bills would be thrown out?—Nothing that I know of.

Were you in court when the bills were all ignored?—The bills I believe were found against two.

The bills were ignored as to some, and found as to some?—Yes.

Do you remember having said, that Mr. Mansfield told you he had taken the panel to the castle?—I remember that Mr. Mansfield said, the thing was out of his power, if he had the inclination.

Did he say the panel was taken to the castle?—Either the castle or the Stamp-office.

By Colonel *Barry.*—You and Mr. O'Reilly left Dublin together, travelled together, arrived here together, and have lived together ever since you came; were not you perfectly agreed as to every word of evidence you were to give at this bar upon this subject?—I think we do not differ much in substance, although we do not agree exactly; I am sure he had a stronger recollection of the case than I had.

And he refreshed your memory?—He seemed to recollect it better than I did.

Did he not refresh your memory upon the subject?—No, I do not think he did.

He reminded you of some circumstances you had forgotten?—For instance, he reminded me that it was Mr. Ward the sheriff was speaking to; which I would not certainly take upon myself to state who was the individual that Mr. Sheriff Thorpe addressed himself to.

These written statements that you gave in, did you prepare them at Mr. Blake's office, or send them in afterwards?—No; Mr. Blake asked us one or two words, and then said, "Would you have the goodness to put down in substance what evidence you could give to the House?"

Where did you do it?—In Mr. Blake's office, in his drawing-room.

Were you both together?—Mr. O'Reilly wrote his statement, and I wrote mine.

Did you see his statement?—Yes, I did.

Before you made your own, or after?—Before I made my own, and not agreeing exactly in the words; for he mentioned that Mr. Sheriff Thorpe addressed himself to Mr. Ward; and I, not being sure of that, I wrote mine separately.

You stated, that this gentleman, whom you supposed to be Mr. Ward, asked him a question, and that sheriff Thorpe's was a reply to that question?—Yes.

Mr. *Peter Tomlinson* called in; and examined

By Mr. *J. Williams.*—What is your situation?—A bootmaker, in Black-rock, within four miles of Dublin.

Were you in Dublin during the trial of the rioters?—I was, occasionally.

Do you know Daniel Smith?—I do. He is a cloth-merchant.

Do you remember going to him about the time of these trials, about some business?—Perfectly, going to take orders for boots. That was two or three days previous to the trials.

Do you remember your having to wait some time, in order to give the orders to Mr. Smith?—I remember waiting in the outside shop, near the door.

While you were standing there, do you remember any body coming, to whom Mr. Smith spoke?—I recollect a person coming, to whom

Mr. Smith said, "Good morning, Mr. Sheriff. Well, these trials are to go on?" "Yes."

Who replied "yes?"—The man whom he addressed as sheriff, answered "yes." "Have you made out a list of the jury?" "No, I am just going to the office now to make it out." "How many will you impanel?" "I will pick about sixty that we can depend on; they may then challenge as many as they please; they shall have as good a petit jury as they had a grand jury."

Should you know that gentleman, Mr. Sheriff, by sight?——Certainly; though I never saw him before.

Look about you?—[The witness turned round and looked about him.] I do not see him.

Have you seen him since?—I have not.

Had you ever seen him before?—Never to my knowledge; and would not have known him then, but that Mr. Smith addressed him as sheriff.

You think you should know him again?—I have not the slightest doubt; I eyed him particularly.

By Mr. *Goulburn.*—Do you know which sheriff it was?—I went to the Session-house and saw the other, who I know it was not.

By Mr. *Denman.*—What was the name of the other?—Cooper.

Would you know that other sheriff, the one whom you saw whose name was Cooper?—I do not know that I would, I do not think I would.

By Mr. *Brownlow.*—When did this conversation take place?—Perhaps two or three days before the trials of the traversers that were so much talked of.

By Mr. *J. Williams.*—Did you hear that there were two trials of the play-house rioters?—I did; this was the second.

Mr. Sheriff Thorpe said, that he would give them a good jury of 60 for this second trial?—He said he would pack about 60 that we could depend upon; that they might then challenge as they pleased; that they should have as good a petit jury as they had a grand jury.

Was any one present at this, besides Mr. Daniel Smith and yourself?—One of his young men, a Mr. Peter Alma.

By Colonel *Barry.*—When did you mention that?—That very day.

To whom?—To several; to Mr. Charles Mageen, to Mrs. Hart.

Do you mean to say that it was Mr. Sheriff Thorpe who made use of this observation?—I do.

By a *Member.*—Were you summoned by this House to attend at the bar?—I was not.

You volunteered your services?—I did. To Mr. Hart an attorney in Dublin.

What did he say to you?—He asked me whether I was willing to go to London, and I told him I was.

Did you call upon his majesty's attorney-general for Ireland, after you came here?—I went to him the night I came into town, and he desired me to go to Mr. Blake; and to Mr. Blake I told what I now tell. He bade me to state what I had to say, and I did so, exactly as I have done it now.

Mr. *John M'Connell* called in; and examined

By Mr. *Scarlett.*—What is your situation in Dublin?—A silk-manufacturer.

Do you know Mr. Sheriff Thorpe?—I do.

Do you recollect seeing him at any time in the house of a Mr. Sibthorpe?—I do.

Was that before or after the trials?—It was before the trials: on the Tuesday after the riot at the theatre.

Do you remember hearing any remark made by sheriff Thorpe there?—Yes; I heard him make use of remarkable expressions.

With whom was he speaking when he made use of those expressions?—Shortly before I heard him make use of a remarkable expression, he was in conversation with William Graham.

What was the remarkable expression to which you alluded?—"I have the Orange panel in my pocket."

Was that addressed to any individual in the room?—It did not appear to me to be addressed to any individual in the room; it was uttered in a low tone of voice.

Who was William Graham?—He was one of the traversers on the business.

Had you been in the room before the sheriff came in, or did you come in and find him there?—When I entered the room the sheriff was in it.

You found the sheriff sitting by Mr. Graham, in the room?—Yes.

Who is Mr. Sibthorpe?—He is a painter and glazier.

Do you know whether Mr. Sibthorpe is a friend of Mr. Thorpe's, the sheriff?—Yes.

You have said that the sheriff was in the room before you entered it?—Yes.

By Colonel *Barry.*—Was that expression that he made use of, said so that any body else but yourself could have heard it?—There were persons nearer to him than I was; I heard the expression distinctly.

Nobody had spoken to him previously upon the subject of the riot at the theatre, or the trial of the prisoners?—I did not hear that any person had spoken to him.

He bolted it out at once without any provocation, "I have an Orange jury in my pocket?"—"An Orange panel."

Without any thing leading to it?—Those were the words he used, "I have the Orange panel in my pocket."

Without any question being addressed to him?—I did not hear any question addressed to him upon the subject.

Whom was he talking to at that time?—Mr. William Graham.

Did you see Mr. Barrett Wadden during the time that Mr. Sheriff Thorpe was remaining at Mr. Sibthorpe's?—No, I did not.

He lives within a door or two, does not he?

—Mr. Wadden lives next door to Mr. Sibthorpe.

Has he been in Liverpool lately?—I understand he has.

He is your step-father?—He is.

When is the last time you have seen Mr. Wadden?—I saw him this evening, in the lobby of this House; I saw him a few moments ago.

You are not on terms with him now?—No, I am not.

Whom did you mention this conversation first to?—To a person of the name of Mac Natten.

When were you called upon, or by whom, to give testimony of this?—By Mr. Wadden.

When did you mention that expression of sheriff Thorpe to Mr. Wadden?—The day after I had heard it.

When were you first examined by any officer of the crown, or any professional person, on the subject?—A few days after I had mentioned it to Mr. Wadden.

By whom were you then examined?—The attorney-general for Ireland, at his house in Steven's-green.

Did Mr. Wadden go with you there?—He did.

Will you mention all the persons that were in the room when this expression was supposed to take place?—Mr. and Mrs. Sibthorpe, Miss Sibthorpe, young Mr. Sibthorpe, William Graham, Mr. Sheriff Thorpe.

Could that have been said without any one of them hearing it?—Yes; there were persons in the room that might not have heard it.

By Mr. *Brownlow*.—Were there not persons nearer to sheriff Thorpe than you, when he made use of the expression?—William Graham was nearer to him than I was. I do not think that any other person was nearer to him.

Was he the nearest person of the party to him at the time?—Yes, he was.

Then of course that conversation that came to your ears, could not have escaped William Graham's?—I think he could have heard it.

Did Mr. Sheriff Thorpe seem to direct that expression to Graham?—No, he did not appear to direct it to any particular person.

By Mr. *Goulbourn*.—Were not you extremely surprised that Mr. Sheriff Thorpe should have been so indiscreet as, in the hearing of several persons, to state, that he had got the Orange panel in his pocket?—I was.

Have you heard any other remarkable expressions on the part of Mr. Sheriff Thorpe?—I have. He said, "I wish the devil had the marquis Wellesley out of this."

Were there any others that you recollect used by him?—Yes; I cannot repeat his exact words; but the meaning of them was, "he is an annoyance, he is in our way."

Are you stating the substance of a conversation, or only a particular expression?—I am only stating the substance, the meaning that I attached to what I heard.

At what period did you communicate those expressions to any one?—The following day, to Mr. Mac Natten and to Mr. Wadden.

By Mr. *Bright*.—At what time were those matters communicated to the attorney-general?—I think four or five days after the conversation had taken place.

Were they communicated to the attorney-general before the grand jury was empanelled?—I cannot say.

By a *Member*.—Do you believe that the expressions, respecting the marquis Wellesley, were heard by others who were present, as well as yourself?—Yes; the expressions respecting the marquis Wellesley, were spoken when Mr. Sheriff Thorpe was at cards; and the last expression that he made use of, when he wished the devil had him, was made as he left the room; and as he buttoned up his coat; I was close to him, and the company was about withdrawing.

Had you, or any of the company present, been talking of the marquis Wellesley, before Mr. Sheriff Thorpe made use of that expression?—I do not think I had been talking of the marquis Wellesley.

Was the marquis Wellesley talked of in that society?—The subject of conversation, at one time, related to the occurrence at the theatre; and I think the marquis Wellesley's name was mentioned.

Did sheriff Thorpe say any thing about the marquis Wellesley at that time?—I did not hear any remark from sheriff Thorpe.

That was the circumstance that seemed to lead to the observation?—The act of buttoning up his coat, you mean; I observed him make use of the expressions when he was buttoning up his coat.

By Mr. *Brownlow*.—A man of the name of Graham was in the society?—Yes.

You have stated, that he was one of the traversers?—Yes.

Was he aware at the time, that he was accused of having conspired to assault and insult the lord lieutenant in the theatre?—I cannot say.

Did you know that he was?—No.

Henry Cooper, esq. called in; and examined

By Sir *G. Hill*.—You are one of the sheriffs of Dublin?—Yes.

Do you recollect the striking of the panel of the grand jury, that has caused this inquiry?—Yes.

Were you called upon, on that occasion, to take any part in the striking of that panel?—I was.

By whom?—By the solicitor, Mr. Kemmis; by letter.

Have you that letter in your pocket?—I have not.

Can you state what the purport of that letter was?—It was, that I should take a part in the striking of that jury, to prevent any observations.

That letter was from whom?—From Mr. Kemmis.

The crown solicitor?—Yes; I think it went so far as to say, by desire of the attorney-general.

Would you have interfered with your brother sheriff in the striking of that panel, if you had not received that letter?—I do not think I should.

And why?—I conceived, that the sheriffs acting quarterly had that prerogative of striking their own juries; he was the elder sheriff.

Is there any etiquette between the sheriffs, with regard to each striking a grand jury at a commission by themselves, without the interference of their brother sheriff?—I conceive it so.

What is the usual arrangement between the sheriffs in that particular?—The usual arrangement is, that the sheriff for the quarter strikes his panel; and that he may or may not communicate with his brother sheriff.

Is it the arrangement, that the senior sheriff strikes the panel of the first grand jury?—It is.

And the junior sheriff the next grand jury?—The next quarter.

What occurred between you and your brother sheriff, when you attended at the striking of this grand jury at the request of the crown solicitor?—He had made his document for the sub-sheriff to strike the panel; I attended, and we concurred on the panel which was struck. I mean, that my brother sheriff and I had agreed upon the gentlemen who were put upon that panel.

Do you mean thereby to say, that you and your brother sheriff went through the list of the proposed grand jurors who were to serve upon it?—Yes.

Did you go through that list, and canvass the names individually?—We did, with the sub-sheriff, Mr. Whistler.

Had you any feeling, that you had a more peculiar duty than on other occasions to perform, when you were so particularly called upon to assist your brother sheriff in striking this panel?—I did, in consequence of the letter I received.

Did you feel any particular responsibility upon yourself upon that occasion, to look to the individuals that were proposed to serve upon that grand jury?—I considered, that those men who were put upon that panel, should be respectable citizens of Dublin.

Did you, as a sheriff, feel yourself personally responsible for the characters of the individuals upon that panel, as far as your intelligence could assist you?—Yes.

Have you a pretty large acquaintance with the citizens of Dublin?—Indeed, pretty generally.

What is your own situation in life?—A coachmaker.

How long have you belonged to the corporation of Dublin?—About 13 years.

Did it occur to you, to offer any objection to your brother sheriff, with respect to any of the names proposed upon that panel, as in anywise objectionable?—I did.

Did you object to any of them in consequence?—I did.

What became of those names that you did object to?—They were struck off the panel.

Do you recollect how many there were?—One particularly, I think.

Did you consider, that that grand jury was as respectable, for all the purposes of discharging their duty, as grand juries usually are?—They were.

To whom was the crown solicitor's note addressed?—The letter I received was directed personally to me.

Did you exercise a more than ordinary scrutiny with regard to that panel, in consequence of that letter, or not?—From the names that appeared to me, I exercised it so far, as I conceived those men who were put on it to be fully responsible for the situation in which they were placed.

Were the names that were struck upon that panel, usually to be found on other grand jury panels in Dublin?—I rather think they were.

Did it appear to you, upon the examination of that panel, that there was any extraordinary number of persons that had not usually been upon the grand jury panels placed upon it?—No.

Were those individuals that were struck off that panel, objected to upon any political ground?—No.

By Mr. *Brownlow*.—A witness, that has been at the bar of this House states, that Mr. Sheriff Thorpe said, on the 17th Dec., he had an Orange panel in his pocket; when did you and Mr. Sheriff Thorpe agree upon the grand panel of January 1823?—I think it was three days previous to the summonses for the jury being issued.

Did Mr. Sheriff Thorpe represent to you, that a man of the name of Poole had applied to be on that grand jury?—He did.

Mr. Sheriff Thorpe suggested that to you?—No, Mr. Poole applied to me.

Do you recollect Mr. Sheriff Thorpe making any observations on the name of William Poole in that list?—I recollect that a conversation occurred, that Mr. Poole had applied to me; he came to my office to say that Mr. Sheriff Thorpe promised to put him on that panel, and applied to me to speak to Sheriff Thorpe; I told him that it was his quarter, and I referred it to him.

What passed between you and Mr. Sheriff Thorpe upon the subject of Mr. Poole?—In consequence of his application, we mutually agreed that we did not think he should be one on the panel, from his application.

It was by Mr. Sheriff Thorpe your attention was called to the name of Poole upon that list?—I had myself an objection, in consequence of his calling on me.

In which objection Mr. Sheriff Thorpe concurred?—He did.

Have you seen Mr. Sheriff Thorpe in company with the lord lieutenant of Ireland, since the striking of this grand commission panel?—I have, more than once.

Did his excellency receive Mr. Sheriff Thorpe as a public delinquent, as a man who had packed the jury to acquit men guilty of an assault upon his person; how did the lord lieutenant receive Mr. Sheriff Thorpe?—As far as I perceived, perfectly politely.

Did he receive him cordially?—He appeared to receive him as he received me.

He made no distinction between you?—I perceived none.

Did he shake you by the hand?—The last place I had the honour of being shaken by the hand by his excellency, was at church; he also shook sheriff Thorpe and the lord mayor by the hand there too.

When was that?—I think on yesterday fortnight.

Since a motion of censure was made against the attorney-general for Ireland in this House?—Oh, long since.

By Colonel *Barry.*—Who prepared the panel for the petit jury, on the ex-officio informations, in the first instance?—That was in my quarter, it was prepared by my sub-sheriff, sheriff Thorpe, and me.

Did sheriff Thorpe, or you, take the most active part in the formation of that panel?—I did.

If sheriff Thorpe had declared that he would take care to have as good a petit jury for the trial of the ex-officio informations, as he had had a grand jury for the ignoring the bills of indictment, could he have effected it?—Certainly not through me.

If sheriff Thorpe had wished to pack a petit jury for that purpose, could he have effected it?—Certainly not.

If you were told, that sheriff Thorpe said, in a company, that he would do so, would you believe it?—I should not suppose he would be capable of making use of such an expression; if he did, I think he was wrong.

Are you a party man?—No.

By Mr. *Brownlow.*—The sheriffs give public dinners in Dublin, do they not?—They do.

Did you give "The glorious memory" at your dinner?—I did not.

You are understood to say, that when you attended Mr. Sheriff Thorpe to strike the panel for the grand jury, there was a list of names prepared?—Yes.

That list was ready when you got there?—It was.

Out of that list you found, who did you object to?—I think there were three that I objected to.

Those names being omitted the remainder stood?—Yes.

Are you acquainted with all or the majority of those names that appeared upon the list?—Pretty generally.

Were you acquainted with their political sentiments?—No, I was not.

Then you and your brother sheriff did not select the names out of the corporators at large, but out of a list of fifty-three ready prepared by Mr. Sheriff Thorpe?—Yes.

If that fifty-three had contained names, or had been composed of those people you thought objectionable, with a view to the end of justice, could you not have desired it might have been altered.—Yes.

Would you not have desired that panel should have been increased, if you had thought it right?—I would.

You have stated, you and your sub-sheriff were chiefly engaged in composing the panel for the petit jury, could that have been described, with any justice, by Mr. Sheriff Thorpe, as an Orange panel?—From my feelings, I think not.

Are you an Orangeman?—I am not.

Is sheriff Thorpe, to your knowledge, an Orangeman?—Not to my knowledge.

Was not Mr. Sheriff Thorpe the first sheriff who gave that obnoxious toast at the sheriffs dinner, after the visit of the king to Ireland?—He gave "The Glorious and Immortal Memory."

Who is the person who serves the summonses on the grand jurors?—There are different persons to serve them.

The bailiff?—Yes.

Is he paid by the sheriff?—He is paid by the sheriffs.

He pays nothing to the office?—No, I believe not.

Was there any different mode of delivering the summonses on that occasion, from that usually adopted?—I do not know any thing of the serving of those summonses; the others were in my quarter, and I was particular with the bailiff himself, and I swore him to the service of those summonses.

Are you aware that the same was done on the part of Mr. Sheriff Thorpe?—I am not.

Did you suggest to sheriff Thorpe any names to be added to that grand panel?—I do not recollect that I did.

By Mr. *N. Calvert.*—You stated, you objected to three persons on the panel, whose names were in consequence struck out?—To two or three.

Those objections you state were not at all on account of their political principles?—No, I knew not their politics.

Several persons whose names were upon the panel were canvassed between you and your brother sheriff, as to their fitness or unfitness to remain on the panel; had you conversation about it?—We had.

Was it at all on the ground of the political principles or party feeling of any of those persons, that this canvassing took place between you?—No.

You have stated, that in going to communicate with your brother sheriff, respecting this panel, you conceived it your duty to see that it was formed of respectable citizens of Dublin?—I did.

Was that the only consideration?—Nothing more.

You had not any means of judging whether this panel consisted of fewer names than usual, or not, at the time it was handed to you?—I considered it shorter than what the usual panels returned were.

Have you been in the habit of observing what was the usual number of common-council-men on a commission grand jury?—I think they varied frequently.

Have you formed any notion in your own mind, what the usual number of them were upon the panel?—At that period I did not consider it; at this moment I have seen eight, ten, or twelve.

Did it occur to you, on looking over that panel, that there was an unusual number of common-council-men upon that?—It did not, particularly.

Have you since observed that circumstance? —Since, from remarks, I have observed that there were more common-council-men than usual upon it.

Is there one sub-sheriff for both the sheriffs, or have you each one?—One for both.

You spoke of *your* sub-sheriff forming the panel for the trial of ex-officio information?—Concurring with me.

What is the manner in which that is done?—It is formed partly by the sub-sheriff and partly by the high-sheriff.

In what manner was that panel formed?—He submitted the list of respectable citizens to me; with this, and with my own knowledge of the city, I struck that ex-officio jury, and returned it to him.

The body of the list is presented to the sheriff in the usual course, ready formed by the under-sheriff?—No; he submitted a number of names of the respectable merchants and traders of Dublin; with those whom I added myself, we afterwards made a list for the panel, at which sheriff Thorpe was present.

Can you at all state the proportion of names you added to those that he submitted to you?—I dare say there might be one half; those men whom he submitted I very well knew.

Then it was the same person who performed the office you have stated in forming the panel for the petit jury for the ex-officio informations, who had in like manner primarily formed the panel for the grand jury, in January 1823?—No, I cannot say that.

Was not it the same sub-sheriff?—Yes; how far sheriff Thorpe communicated with him I cannot say.

You do not know whether that is the usual course for the sub-sheriff to form this subject to his communication with the high sheriff?—It depends upon the sub-sheriff and the high-sheriff; I have that confidence in the sub-sheriff, to believe that he would not submit any man upon that, that I would not myself think a proper man.

In whose hand-writing was the panel for the grand jury, when it was submitted to you?—I believe it was in sheriff Thorpe's.

By Mr. *Plunkett.*—What is the ordinary course in the office of returning the commission grand jury; is it by the high-sheriff, or the clerk in the office?—I cannot account for any thing but what has occurred since; I came into office at the exact moment.

Have not you understood what is the usual and ordinary course in the office; is it not the ordinary course for the panel to be returned by the clerk in the office, and not by the high-sheriff? —I rather think not.

Is there any difference in the mode of framing the panel of the grand juries and the petty juries?—I always understood the high-sheriff took that prerogative to himself of returning the grand jury.

Always, in ordinary cases, that he took that prerogative to himself?—In all cases, I understood it so.

Do you mean to say, that the usual and ordinary practice in the Sheriff's-office is for the high-sheriff to return the panel of the grand jury, and not to have it returned by the clerk in the office?—It is my feeling in the office; that is what has been done since I came into office.

At what time was it that you first interfered with respect to the return of the January grand jury panel?—On receiving the letter from Mr. Kemmis, I communicated to the sub-sheriff and to the high-sheriff; that was my first interference.

A panel was then shown to you, in the hand-writing of Mr. Sheriff Thorpe?—I believe it to be so.

Do you not believe that a great proportion of the persons who were returned upon that grand jury panel by Mr. Sheriff Thorpe, were persons of very strong political feeling upon the particular question of dressing the statue and drinking the toast?—I conclude, that some were, and some were not; if I could form an opinion of the whole I would do so.

Had there not been an election of corporators in December?—There was.

Was not there a very strong agitation in the public mind, at the time of the election of those corporators, particularly on the subject of the dressing of the statue?—Not to my knowledge at that time.

In December had not the dressing of the statue been prevented, by order of the lord mayor, in the month of November?—Yes.

Was not there a censure of the lord mayor, by the corporation, for doing so?—There was.

Was not there a censure of the lord mayor by the guild of merchants, for doing so?—I believe there was.

Was not it in the midst of that agitation, that the new corporators were elected, in the month of December?—It was.

Was not there a very strong political feeling in the minds of a great body of the corporators who were so elected in December, at the very time when those censures were pronounced?—In some guilds there was strong political feelings expressed, I believe.

In the guild of merchants, particularly, was there not a very strong political feeling expressed?—I conceive there was.

The guild of merchants elect 31 common-council-men ?—Yes.

Will you have the goodness to look at that paper [a paper being handed to the witness]; do not you believe that that printed list was furnished by the persons who are the friends of dressing the statue to the corporators, for the purpose of having a list chosen of common-council-men from the guild of merchants according to it?—I consider this a list for the purpose of returning those men that were in it.

Will you have the goodness to read the title of it?—"Guild of merchants; the glorious and immortal memory list; good men in bad times."

There is a picture at the top, representing king William on horseback?—I believe it does.

He is represented with his horse treading upon the knave of clubs?—I suppose it does.

Do not you understand that, as representing the lord mayor?—I should suppose it was.

Do not you find seven of the names who were returned in that list "as good men in bad times," and for that purpose sworn upon the grand jury in January 1823?—I think there are seven names appear here.

Name the seven persons?—Mr. John Stevens was on it, I think; Mr. Joseph Henry Moore, Christopher Graham, Joseph Lampray, John Davis, Robert Lodge I think was on it, and Samuel Lampray.

Do you, or do you not believe, that those persons who were so named, "as good men in bad times," and who are elected on that recommendation, were persons of strong political bias upon the subject of dressing the statue, and drinking the toast?—As to their strong political feelings I cannot say.

Do you believe they have any political feelings?—I think they have; but as to strong political bias, I cannot form an opinion.

Do you think that those seven persons were fit, fair, and impartial jurors to try a question, for the purpose of finding a bill of indictment upon the subject then pending?—I do.

If the 31 persons, who are named in that list had been returned upon the panel of the grand jury, would you have thought them objectionable, as fair persons, to try that question? —Some I would not have returned; I cannot say that they were unfair, but I would not put them on.

Did you object to any person proposed by sheriff Thorpe, in the panel that he submitted to you, on the ground of their political opinions? —I do not recollect that I did.

All you looked to was, that they were respectable citizens?—Fair and respectable citizens.

Would you have thought yourself at liberty, when sheriff Thorpe returned you the list of fair respectable citizens, to object to any one of them, on account of a political bias?—I think if I had expressed a reason, that he would have struck off any that we would have mutually struck off.

Would you have objected to any one respectable citizen returned on sheriff Thorpe's list, merely because you thought he had a bias? —If I did not consider him a violent man, I would not have struck him off.

Were you aware, when sheriff Thorpe submitted that list to your consideration, that there were 27 corporators returned upon that panel, who had been elected in the month of December previously?—I was not aware, exactly, of the number when it was submitted.

Do you believe that there was any one of those 27 corporators so returned, who was not friendly to the dressing of the statue?—I rather think there were men on that panel that would rather, under the circumstances, that the statue was not dressed.

Can you mention under what circumstances? —That is my feeling of those jurors.

Do you mean, out of the 27 common-council-men?—As to the men who were on that panel, I do consider some of them, men who would not wish to have the statue dressed; some of those men on the grand jury.

Can you explain the circumstance of the entire grand jury being sworn out of the first 26 persons upon the panel?—I really cannot, except their attendance in consequence of being liable to fines; I do not know any other reason.

Had they not, on all former occasions, been liable to fines?—They had, as far as I know.

Have you ever heard of any instance in which a grand jury of 27 was obtained on any former commission, without coming down as low as the 57th man upon the panel?—I cannot answer that question accurately.

When you came to frame your panel of the petit jurors, did you at first frame it in the same manner in which you finally returned it?—There were some alterations, but very few.

Did you frame your own panel, or did you receive a panel framed from your sub-sheriff? —Part by the sub-sheriff, and part my own framing.

Is it not the ordinary course in returning the panel of the petit jury, to take the grand panel, and out of that to take some of the most respectable and leading names?—I did it so.

After you had done it so, were there any alterations made, and at whose suggestion? —There were very few, for they were of such a respectable return, that it was not necessary.

By whom were those few suggested; do you speak of those that were returned by the sub-sheriff?—I speak of the whole panel.

How many were returned by the sub-sheriff; what proportion did the number returned by him bear to the whole panel?—I think it probable it might be from 20 to 30 or more.

You have said, that you are not a person of any party feeling; do you mean to say, that the sub-sheriff, Mr. Whistler, was not?—I do not think him what I would term a violent party-feeling man.

Was he a man of party feeling; or was he a man, as you are yourself, a man of no party feeling?—It is difficult for me to answer to the feelings of another.

What is the reputation of Mr. Whistler in that respect; is he, or not, considered a man of party feeling?—I would not consider him a man of high party feeling.

Twenty or 30 of the names were returned by him?—I think about that number.

The whole panel consisted of sixty?—Yes.

Twenty or thirty were returned by the sub-sheriff?—Submitted to me.

Did you adopt those that were submitted to you by the sub-sheriff?—I think I did, the whole of them.

Are there not some circumstances that would have rendered it rather awkward for you to decline adopting the panel sent you by your sub-sheriff?—I think not.

You do not feel then, under obligation to the sub-sheriff?—No; I felt them of that description of men that were of the highest character in Dublin, from my knowledge of them.

Do you mean, that those gentlemen were not men of any party feeling?—Not to my knowledge, positively.

Will you undertake to say, whether the twenty or thirty, then suggested by Mr. Whistler, were, or not, men of strong party feeling?—I took the whole panel of that sixty; for I was cautious on that, that I made the observation, we would not have high party men on the panel.

High party men?—Or party men.

Were there any names suggested upon that panel, who were not upon the grand panel?—I cannot answer that question.

What alterations were made in the panel, from the time that you had first taken the sub-sheriff's suggestion, and had given your own names, till you returned it into court; were there not alterations made?—The alterations that were made, were, I think, putting men of greater respectability from the bottom to the top of the panel, according to their respectability.

Were there not new names added?—I do not think there were more than one or two.

Do you know a person of the name of Stoker?—I do.

Was he not a person who was considered as having been very much concerned in the planning of the riot at the theatre?—I heard something of it; but I know nothing of it.

He was a clerk of alderman king's?—He was.

Have you ever heard, that, by the sub-sheriff that panel was taken and shown to Stoker, and that, at his suggestion, any names were added to that panel, or any alterations made?—Never; I know very little of Mr. Stoker; but I do not think the sub-sheriff of Dublin would be guilty of submitting the panel to Mr. Stoker for his approbation.

Have you ever heard that Stoker has himself declared that was done?—Not to my knowledge; I never heard of it.

How many names do you say were struck off the panel of the grand jury, after Mr. Sheriff Thorpe had consulted you?—I think there were probably three or four, and other names substituted.

Was Mr. Poole's one of those names that were struck off?—He was.

Have you heard, or do you believe, that, before the riot had happened, Mr. Sheriff Thorpe had promised to put Mr. Poole's name upon the panel?—Mr. Poole told me so himself.

Do you believe that?—Yes, I do.

That he had promised him before the riot?—I do not know as to the time of the promise.

Have you any doubt the promise was before the riot?—I declare the time was not stated, and I do not know whether it was before or after.

Do you not know that, afterwards, Sheriff Thorpe refused to let his name remain upon the panel?—He agreed in the objection, in consequence of Mr. Poole requesting me to speak to Mr. Sheriff Thorpe to put him on; we thought that he had some motive we did not know; I objected to him under those circumstances.

In the interval between his having been promised to be put on and his being struck off, had not Mr. Poole taken an active part in the corporation, to prevent the dressing of the statue?—Not to my knowledge.

Had not you heard of it?—I heard of it. I do not know of any active part he could take to prevent it; the police prevented it.

Had he not been an active person in the corporation, to declare his disapprobation of it?—Yes.

He had done so in December, in the corporation?—I so understood that he always had.

Have you not heard that sheriff Thorpe declared he could not place him upon that panel, because he was a "conciliation man?"—No, I never heard those expressions.

Or any expression to that effect?—No; sheriff Thorpe did not communicate it to me.

By Colonel *Barry.*—Did not some of the persons who were sworn on that grand jury, apply to be excused from serving?—They did.

Were they not told, that if they did not attend they would be fined, or that they must attend?—As far as came to me, I always gave that for answer, and that I could not take them off.

Would not that account a good deal for their consecutive attendance for their answering as their names were called?—I would conclude so.

If those men were anxious to be put on for sinister purposes, do you conceive they would have applied to you to leave them out?—No.

In the state of Dublin now, do you hold it to be possible almost to find a grand jury who have not formed some opinion, one way or another about the dressing of the statue?—If I was to form an opinion, I would conceive that every man in Dublin has formed some opinion upon it.

Do you conceive those men who were on the grand jury, having, in common with the rest of the citizens of Dublin, formed such an opinion, they were men who would have perverted justice on their oaths, by finding a partial verdict, in consequence of those opinions they had formed?—I do not.

By Mr. *Brougham.*—Your sub-sheriff, Mr. Whistler, is an attorney?—He is.

How often has he served the office of sub-sheriff?—I believe this is the second time; it is many years since he served before.

There is a bye law, or an act of parliament, which prevents a person serving oftener than once in three years, is there not?—I understand there is.

Who served the office of sub-sheriff the year before Mr. Whistler?—Mr. Archer.

Who is Mr. Archer?—An attorney.

Is he at all connected with Mr. Whistler?—I am almost certain not.

Do you know of any person in the employment of Mr. Whistler serving the office of sub-sheriff the year before?—No, serving as sub-sheriff a year or two before; there is no such clerk in the office as Mr. Archer.

The year before Mr. Archer, did the person who was a clerk in the employment of Mr. Whistler serve the office of sub-sheriff?—No.

Do you know it one way or the other?—No; I know there is no sheriff has served, an under clerk to Mr. Whistler; nor connected with him in any way.

Who elects the sheriff?—The commons; there are a number sent from the commons to the board of aldermen, and from this number the two sheriffs are chosen.

Do you mean by the commons, the common-council-men?—Yes.

Did you ever hear of a society called "The Amicable Society?"—I have.

Is it composed of common-council-men?—There are a number of common-council-men in it.

Are the bulk of the society common-council-men?—No, they are not.

Are a considerable number of the members of it common-council?—As members of the society, there are a good many common-council-men.

Do the Amicable Society exercise an influence upon the election of sheriffs?—They recommend the friends of that society, I rather think.

Do they not exercise a considerable influence in the choice of the sheriff?—They do, rather in the returns, not in the choice of sheriff.

In the return to the aldermen of those out of whom they are to choose?—Yes.

How many are sent up to the aldermen?—Eight.

Did you ever hear of an understanding between the persons who are to be recommended, to be assisted in the election by the Amicable Society, an understanding between them and the common-council or the Society, as to the conduct they are to hold while they are sheriffs?—No, I do not know that there is any such compact.

There is nothing in writing, but is there any thing understood between them?—I do not think there is any understanding.

Any thing understood between them as to the patronage of offices?—I think not.

You must be quite sure of that, one way or another, in your own case?—In my own case I am certain of it; as to the patronage of the office, certainly not.

You have no recollection yourself, of any understanding as to the line you were to adopt in the conduct of your office?—No.

Is there not a considerable degree of patronage in the power of the sheriff?—No, not to my knowledge.

Do they not name to a number of things?—To none but the sub-sheriff.

That is the only appointment they have?—Yes, I believe so.

Is that the only appointment you yourself have named to, or had a share in naming to?—The only appointment.

Is there not a keeper of the sheriff's prison?—There is.

Have they nothing to do with the nomination of the keeper?—The nomination of the under officers of the prison comes from the sub-sheriff.

Does that include the keeper of the sheriff's prison?—The sub-sheriff named him, and I concurred in the appointment.

Do you mean that the sub-sheriff is the man who appoints those officers, or does he submit the names to the sheriff?—He submitted those names; and I concurred in his appointment.

Do you recollect any other of those inferior officers?—No; only the officer under him, which is his clerk in the sheriff's office, and this.

Are those officers changed with every sub-sheriff?—They are not, I believe.

They continue in them after the time when the sheriff is changed?—When they are well-behaved persons, I conceive they do.

Is the office of the sub-sheriff a lucrative one?—I believe it depends upon circumstances. I dare say it may be worth from 600 to 700*l.* a year.

Does he account for the fees to the high-sheriff?—He does.

Does he pay any other consideration to the high-sheriff, besides accounting for the fees?—Not that I know of; not to me.

The sub-sheriff gives you a security, does he not?—He does.

Would you not consider yourself interfering with the safety of that security, if you interfered with his appointment of those officers, such as the keepers of the gaol, and others you have alluded to?—It would.

By Sir *G. Hill*.—Amongst the citizens of Dublin, do you not think that, generally, each man in society has formed his opinion upon the propriety of what is called, granting the Roman Catholic claims?—I rather think they have, almost every man in Dublin.

Are you of opinion, that a man who is hostile to the Roman Catholic claims is disqualified as a grand juror, or incapable from that circumstance of performing his duty as a grand juror, upon his oath?—I do not.

Then, comparing that grand jury with other grand juries that you have known sworn in the city of Dublin, do you think that grand jury was as capable of performing its duty conscientiously as any one you have known?—In my opinion they were.

By Lord *Milton*.—The panel was formed out of a list written in Mr. Sheriff Thorpe's hand-writing?—I believe it was.

You suggested the propriety of striking off some names in that list?—Yes; I think three; and others were substituted.

In point of fact, the panel, as it stood, consisted of names, all of which were suggested by Mr. Sheriff Thorpe?—They were sure; those struck off, and those substituted in the place of them, that we mutually agreed on.

Were there any substituted in the room of those struck off?—There were.

By whom were they suggested?—I think they were mutually agreed upon by both of us.

By whom were they suggested?—I really think, that, taking the almanack, we spoke on several citizens probably, and took them from those names that we mutually talked of.

But not particularly suggested by you?—We agreed that those persons should be substituted in the room of the others.

Were they suggested by you, did they come from a list you suggested?—No; I had no list.

By Mr. *Goulburn*.—When you met sheriff Thorpe, for the purpose of arranging the panel, did you know what bills were to be brought before the grand jury, against whom?—I conceived of course, those men who were in prison, with any others, for the riot in the theatre.

Did you know that a person of the name of M'Culler, was to be indicted before that grand jury?—Not at that time I did not.

Mr. Joseph Henry Moore was on that grand jury?—He was.

Was he proposed originally by Mr. Sheriff Thorpe?—He was in the list.

Do you know whether he bears any relation to Mr. M'Culler?—Not to my knowledge. I do not know any further than having heard he was his clerk.

Has not Mr. Moore been in the habit of attending the commission grand juries constantly?—He has, frequently.

Do you happen to know that Mr. Moore's sister is married to the provost of Dublin University?—I do not know it, as my own knowledge, but I believe it to be so.

By Mr. *S. Rice*.—Were you a party to the panel in October, 1822?—I was not.

Have you joined in a panel for a term or presenting grand jury at any other time?—No.

Have you ever served individually upon either term or commission grand juries?—I have on both.

What kind of persons composed the term or presenting grand juries?—Principally the corporation of Dublin.

Are there any other individuals upon them?—I do not know that there have been.

Do you know, as sheriff of Dublin, whether it is the usage to select those grand juries out of the members of the corporation?—I believe it is, generally.

Is the serving on a commission grand jury, considered a burthen or an advantage?—It would be considered an inconvenience to men in business.

Is the serving on a presenting grand jury, considered as a burthen or an advantage?—I declare, I do not know the advantages of it; I would avoid them; I never was but on one.

On the commission grand jury on which you served, how many members of the corporation were there?—I should suppose the number to be 10, or 12, or 14.

Can you state, whether there is a general anxiety to serve on a presenting grand jury?—I have heard it, but I do not know it accurately.

Do you believe, that there is a general disinclination to serve on the commission grand juries?—Some men will serve on the commission grand juries, in consequence of their being short, to avoid being put on others.

By Mr. *Hume*.—You have stated, that in consequence of a letter which you received from the crown solicitor, you attended Mr. Sheriff Thorpe, where is that letter, and can you produce it?—I have the letter perfectly safe at home.

You have stated, that you went to Mr. Sheriff Thorpe in consequence of that letter, and found that he had drawn out the list of the panel, which he produced to you; in consequence of the discussion which took place, was any alteration made in the order in which the names were placed upon that list?—There were alterations made in that respect, moving the names up.

You have stated that several of the corporation applied to you to be excused from serving, can you remember the names of such corporators as prayed to be excused?—I remember Mr. Forster applying.

You have stated, that you did not consider, and do not consider the seven names, which you read from the paper which you hold in your hand, to be violent party men; will you state whether you consider Mr. Sheriff Thorpe a violent party man or a moderate party man?—I would consider him inclined to party, but as to violence it is a difficult matter for me to form an opinion.

Do you consider Mr. Sheriff Thorpe a decided party man?—Oh, I think him a party man, decidedly.

Do you consider those seven individuals less party men than Mr. Sheriff Thorpe?—I would consider some of them less party men, and some probably have similar feelings.

Will you state any one of those seven, whom you consider more decidedly party men than Mr. Sheriff Thorpe?—I would consider Mr. Graham and Mr. Stevens as more moderate.

If Mr. Sheriff Thorpe had been one of the jurymen, would you have considered him objectionable, as a strong party man, to try such a cause?—Had he taken the oath as a juror, I would have considered him perfectly eligible.

By Mr. *Brougham.*—Did the sheriff send a copy of the panel, when it was settled, either to the crown solicitor, or to the attorney-general, or to the castle?—I do not think he did; not to my knowledge.

You have stated, that, according to your opinion, the panel could not be called an Orange panel; and you have stated also that you do not know the political feelings of the persons upon it; what ground have you, therefore, for forming an opinion, that it was not an Orange panel?—I had no grounds for forming an opinion on it; I know no man upon it to be an Orange-man,

You stated, that three or four names were removed, with the concurrence of your brother sheriff, and as many more substituted in their places, upon what grounds were those persons so removed; was it political grounds, or for misconduct, in your view?—Not from political feelings.

The House resumed. The Chairman reported progress, and asked leave to sit again.

HOUSE OF COMMONS.

Tuesday, May 6.

Sheriff of Dublin—Inquiry into his Conduct.] The House having again resolved itself into a Committee on the Conduct of the Sheriff of Dublin, sir R. Heron in the Chair,

Mr. *Barrett Wadden* was called in; and examined

By Mr. *J. Williams.*—Where do you reside?—In Palace-street, Dublin.

What is your situation in life?—That of a silk-manufacturer.

Do you know a person of the name of M'Connell?—I do. He was before this House last night. He is my wife's son by a former husband. I saw him the Wednesday after the riot in the theatre.

Did he make any communication to you, about that time, of any thing that he had heard?—He did.

What was it that he stated to you at that time?—He expressed his surprise at the conduct of Mr. Sheriff Thorpe, in whose company he had been the preceding evening: his identical words were, "that the sheriff had not only betrayed great ignorance, but that his conduct was so extraordinary, that he could scarcely believe the man to be in the right use of his senses; that there were a number of persons present, namely, the sheriff, the sheriff's lady, Mrs. Sibthorpe, Mrs. Sibthorpe's daughter, John M'Connell, young Mr Sibthorpe, and William Graham, one of the rioters, or at least one of the persons supposed to be a rioter in the theatre the preceding evening; that they were playing at cards, and that William Graham in playing the knave of clubs, threw it down and said, "there's the lord mayor and be damned to him, I wish he were out of office till I could have a lick at him;" that Mrs. Sibthorpe sat in one corner of the room, and she said, "how could you do it, for you are too little;" Graham was a very small man, and his answer was, "by God, I would jump up and have a lick at his neck;" that the sheriff then said, "be damned to the marquis Wellesley, we shall do no good in this country until he is out of it." That in another part of the evening, a question was asked by John M'Connell. namely, what is likely to become, or what is likely to be done with the persons now in confinement for the alleged riot?" and that the question was put by John M'Connell, not to any particular person in the room, but it was answered by the sheriff, "they are in safe hands; I will give them a jury that will acquit them, for I have an Orange panel in my pocket," at the same time tapping his pocket. This was the communication made to me the Wednesday evening following; the conversation having occurred in Mrs. Sibthorpe's parlour the Tuesday evening; and certainly I did consider the communication to be of that importance, that I was only discharging the duty I owed my fellow citizens and my country at large, in communicating it to the government, which I did. He also informed me, that sheriff Thorpe, when he retired home, in buttoning up his coat, just as they opened the door, said, "well, at all events, be damned to the marquis Wellesley." I received this information on Wednesday; the following day I communicated it to the government; and on the Saturday following, John M'Connell was summoned up to the castle; and the matter there, I believe, taken upon oath. I communicated it to Mr. Matthews, the private secretary of the lord-lieutenant. In consequence of that communication, the attorney-general had a conversation with me about the matter.

Did you state to the attorney-general, what you have mentioned to this committee now?—The principal part of it.

Have you been unfortunate in trade?—Extremely so; for I have been a bankrupt.

Have you obtained your certificate?—No, for I did not want to obtain it; the commission having been superseded, and I reinstated in my business, to the satisfaction of my creditors; for I have but two in the world.

Have you, at any time, been compelled to leave Ireland?—I have never been compelled to leave my house for one moment.

By Col. *Barry*.—You have said, that you stated part of what you have now stated, to the attorney-general, and part you did not; will you state, what part you did not state?—The communication that I made to the attorney-general, in the first instance, principally alluded to the expressions that were used by Graham, as applicable to the lord mayor. Our lord mayor of Dublin is a card-maker, and when the knave of clubs was thrown down by Graham, it was accompanied by that expression as applicable, not only to the lord mayor as such, but as card-maker; and the communication I made to the attorney-general, as it related to Mr. Sheriff Thorpe, was the expressions I have stated the sheriff to have used, as applicable to the marquis Wellesley; for I should state, that the whole of the evidence that I have now given to the House was not communicated to me by John M'Connell at one time.

Did you mention those remarkable circumstances of having an Orange panel in his pocket, to the attorney-general, in your first interview?—I did not.

Why did you not?—Because the communication had not been made to me. I would divide the communication into two parts; the first was made to me on the Wednesday following the riot in the theatre; the second, as applicable to the Orange panel, was made to me on the following Saturday morning.

When did you mention that to the attorney-general?—That communication I mentioned to the attorney-general, in a letter written by me to him not more than a fortnight or three weeks ago.

Then you looked upon it as an immaterial point of the conversation?—As a most material one; and the reason that I did not make the communication sooner to the attorney-general was, that the attorney-general himself was acquainted with the fact, I believe, in one hour after it had been communicated to me. I have good reason to believe that the attorney-general had the information on paper from John M'Connell an hour afterwards. He was sent for to attend the castle, was there examined on oath, and the fact of the sheriff having said that he had an Orange panel in his pocket, for the trial of those traversers, was then sworn to by John M'Connell.

Mr. *William Poole* called in, and examined

By Mr. *J. Williams*.—What is your situation in life?—I follow no profession or business at present; I occupy some land in the county of Dublin, which I hold to my advantage. I have been a member of the corporation since 1802; I represent the corporation of brewers; they are composed of very respectable members.

You remember the time of the trial of the persons charged with committing a riot in the theatre?—I do, perfectly.

Do you remember about the time of the alleged riot and those trials, having any conversation with Mr. Sheriff Thorpe on the subject of the jury?—I had a few words on the subject of a jury, but it was before the riot took place at the theatre; it was on the commission grand jury for the city of Dublin, where I have been in the habit of attending, and have been very high on the panel, and I spoke to sheriff Thorpe, en passant, one day in Sackville-street, saying, "I should wish to be on the next commission jury;" and he said, it should be so.

When was that?—About the middle of November.

What pased between you and Mr. Sheriff Thorpe?—I requested to be on the jury the next commission, and he said I should be so.

Did you see Mr. Sheriff Thorpe again, either before or shortly after the trials of the alleged rioters?—I did not see sheriff Thorpe, to speak to him, on the subject of the grand jury, until after the jury were sworn, and then I saw him in the Sessions house and spoke to him.

What passed between you upon that occasion?—I spoke to sheriff Thorpe in remonstrance; I thought he had treated me ill, by not putting me on the jury; and he said he had a very hard card to play, and many parties to please. I told him that was no affair of mine, but that I felt he had left me off the jury for party purposes, and had broken his word, and that, as such, I felt he was not a proper person to fill that situation of sheriff.

What circumstances did you allude to?—I alluded to his not placing me on the panel of the grand jury, and to the circumstance of the trial of the rioters.

To what did you allude when you used the word "promise?"—To the conversation we had in Sackville-street, en passant.

What did Mr. Sheriff Thorpe say to that remonstrance?—He said he had a very hard card to play; it was impossible he could please all parties.

You were understood to say something about leaving you out for party purposes?—Yes, I said that he had left me out of my place in the jury, for I had been in the habit of being very high on the jury, for party purposes; that he had broken his word for party purposes, and I felt that he had acted improperly.

What did you mean by leaving you out for party purposes?—What I meant was this, because I abided by the king's letter; and in the election for the brewers' corporation, the respectable part of that corporation, with my own exertions, put out a Mr. Sutter, who made himself very conspicuous in dressing the statue of king William, and in acting in collision with his majesty's government in opposing their measures.

Had that Mr. Sutter once belonged to the brewers' corporation with you?—He did.

Had you contributed to expel him, Sutter, from that corporation?—I certainly voted against him.

When you made those observations, did Mr. Sheriff Thorpe make any answer to you?—He said he had a very hard card to play; and that, "conciliation-men" would not do for that jury; or words to that effect.

Was that after you had said, that you were omitted for party purposes?—Yes.

Do you know whether Mr. Sheriff Thorpe is acquainted with that Mr. Sutter?—Intimately.

Do you know of any cause for your being omitted from that panel, except what had passed with respect to Mr. Sutter in the brewers' company?—I do not.

Had you ever any difference with Mr. Sheriff Thorpe before your being omitted?—We never agreed in politics. We have not been connected, we have not mixed much together.

After this conversation upon the subject of your omission, did any thing further pass between you and Mr. Sheriff Thorpe?—I do not think I saw sheriff Thorpe, until the quarter's assembly after; I was going down stairs, and sheriff Thorpe got hold of my hand; he said, "I hope every thing will be forgiven and forgotten, and we shall be friends:" I walked down and took no notice. Connected with this, I would mention, that he asked me to his civic dinner, and pressed me to go; I said, if I dined in town I would; but, at the same time, I had no intention of going, and so I dined in the country; there is another dinner follows a week after that, and I was invited to that, but I did not go.

Has there been any other quarterly assembly, since the one of which you have been speaking?—There has been one last April.

Did you see Mr. Sheriff Thorpe at that quarterly meeting?—I certainly did, in the chair.

Did any thing pass between you and Mr. Sheriff Thorpe upon that occasion?—This Mr. Sutter is returned for the merchants; he got up to move a resolution for a committee to prepare a vote of censure and petition to this honourable House, condemning the measures of the attorney-general for Ireland; I opposed him, and moved an amendment; and I was seconded; but Mr. Sheriff Thorpe declared the measure to be carried, and refused putting my amendment.

By Col. *Barry.*—What was your reason for asking to be on the grand jury?—One of the reasons was, that it was my right to be on it from my standing on the corporation; another reason was, there was a Mr. O'Meara, whom I had known for some years, he called upon me to say, that he saw my name on the panel and to request I would attend on the next jury; I said I had no objection; he began stating the case with respect to some affair that occurred between him and lord Rossmore, about seventeen years back; I interfered, and said, if I was one of the jury I would do every justice, but he must pardon me from hearing one word upon the subject till the witnesses came into the jury-box.

Did you apply to sheriff Cooper, to be on the jury?—I did.

What reason did you give to him?—Alderman Smith wished me to be on the jury, and he expressed his surprise; he said, "Mr. Poole I regret that you are not to be on the panel; that speech you made at the brewers' corporation, that conciliation speech is the reason you are not to be on the jury; sheriff Thorpe will not put you on. I would recommend to you to go over to sheriff Cooper and speak to him on the subject."

What had Mr. O'Meara to do with the grand jury?—There were bills of indictment preferred against him, and he called upon me to request I would attend upon that panel. I met sheriff Thorpe and said, "I wish to be on this commission jury." "You shall be on it," he said, "certainly."

Was it before or after you applied to sheriff Cooper, that you had that conversation with O'Meara?—Before; for I applied to sheriff Cooper not more than three days before the jury was struck.

Were you acquainted with the circumstances attending the accusation against Mr. O'Meara?—I was not. I heard it was some transaction with reference to lord Rossmore, and nothing more I know of it.

By Sir *G. Hill.*—Do you consider sheriff Thorpe as a high party man, in Dublin?—I do. He is what is called a "Protestant ascendancy man."

By Sir J. *Stewart.*—You have said, that one of your objects for being on that grand jury was, that you considered it your right?—Yes, from my standing in the corporation.

Was it a presenting grand jury?—It was not. It was a commission grand jury.

Is it usual for men in your high station in the corporation, to solicit to be on the commission grand jury?—It is generally the practice in the corporation, that any member of it who wishes to be on a particular jury, if they merely signify their intention to the sheriff, they are put on.

What answer did Mr. Sheriff Cooper give you when you applied to him?—Sheriff Cooper said, that he felt that I ought to be on the jury; but, says he, "it is not my quarter, I have not the impanelling of the jury; but go up to sheriff Thorpe, he has the panel in his pocket; he is attending the recorder's court, and I dare say he will arrange it for you." I went out of the gate with that answer; but I never went to sheriff Thorpe; I felt indignant, and determined not to let myself down.

Will you attend to the statement which has been made to the committee respecting you, and state whether it is correct?—[An extract was read from the evidence of Mr. Sheriff Cooper, of yesterday.]

Is there any part of sheriff Cooper's testimony, which you have just heard read, which you object to in point of fact?—I think for the most part it is not founded on real fact; the only part that I conceive of that, that I know to be true, is that in which he says, he referred me to sheriff Thorpe at the Sessions house, who had the panel in his pocket; as to the rest I know nothing about it.

As far as it states what passed between you and sheriff Cooper, is it correct?—As excusing himself by saying it was sheriff Thorpe's quarter, and he would not interfere, and to go up to sheriff Thorpe at the court, that is perfectly correct; as to the rest I know nothing about it.

By Mr. *R. Martin.*—Where was it you were advised to go?—To the recorder's court, who was sitting.

Did you, in the recorder's court, make this request to sheriff Thorpe, to beg to be put on the grand jury panel because otherwise justice could not be done to Mr. O'Meara?—It was impossible that I could have made such a request in the recorder's court, because I never went there.

Did you make that request to sheriff Thorpe, and for that reason, previous to the impanelling of the grand jury?—I did not.

By Colonel *Barry.*—You were understood to have made application to sheriff Thorpe, to place you upon that panel?—I said, I thought he ought to do it; or, I should be obliged to him if he would place me on it, or place me upon the panel next commission that took place.

Did you offer him any inducement for doing so?—None, whatever.

Did not you tell Mr. Sheriff Thorpe, that if he placed you upon that panel, in order to try Mr. O'Meara's case, you would not divide on the play-house riot?—I did not make any compromise or offer; if the House thinks proper, I will give an explanation, as I was really indignant at hearing such a speech——[The witness was directed to withdraw.]

Mr. *Bennet* wished the witness to be admonished to conduct himself with that decorum which was befitting the assembly he was addressing.

Mr. *Abercromby* was of opinion, that as the hon. member for Armagh had made a particular allusion to the witness, the latter ought to be allowed to give an explanation of what he conceived to be a misunderstanding on the part of the former. The witness ought certainly to be admonished not to allude personally to any member.

Mr. *Bennet* said, that independently of the allusion of the hon. member for Armagh, the witness's whole manner was quite indecent. The committee ought not to suffer itself to be brow-beaten thus. The witness had made the most unbecoming exhibition he had ever beheld at the bar of the House.

Sir *J. Newport* observed, that if the witness had answered with some degree of warmth, it was in consequence of the violent tone which hon. members had assumed towards him.

Mr. *Forbes* said, that the witness must have been something more than man to have tamely borne the badgering to which he had been subjected. In his opinion, the witness had displayed that proper degree of spirit which every honourable man ought to exhibit when his veracity was attempted to be impeached [Hear].

Mr. Alderman *Wood* concurred in the sentiments of the hon. member who had just sitten down; and added, that it was a very common practice in the city of London, for gentlemen to ask the sheriffs to place them upon the grand jury.

Mr. *R. Shaw* was quite sure that the witness meant no offence whatever to the House.

[The witness was again called in.]

Chairman.—William Poole, in the answers you shall give to the questions which are asked you, you will not forget the respect which is due to this House; you are to consider all questions, from whatever quarter they may be put (which is a matter merely of convenience in form), as being put by the chairman; you will therefore, take care to avoid making any personal reflection on the person who may happen to put them, or any allusion to persons who may put them; but in giving you this warning, it is not my intention, nor the wish of the House, to prevent you from saying any thing in explanation which you may think necessary for your own justification.——I never had the slightest intention to be guilty of any disrespect.

By Mr. *J. Williams.*—Did not you tell Mr. Sheriff Thorpe, that if he placed you upon that panel, in order to try Mr. O'Meara's case, you would not divide on the play-house riot?—I never did offer any such compromise.—[The witness here stated several particulars relative to the general arrangement of grand juries.]

By Mr. *Scarlett.*—From your knowledge of the state of party feeling in Dublin, were the gentlemen selected on the grand jury, likely to have very strong party feelings?—I think the majority of them have very strong party feelings.

Were the feelings of those jurors so well known; that Mr. Sheriff Thorpe must have known that they had strong party feelings?—I am clear, that he was aware of their feelings.

By a *Member.*—Do you suppose it possible, in the present state of party in Dublin, to select three-and-twenty men, who have not strong party feelings?—I do; I think there could be a jury who would act with strict correctness and conscientiousness, and many such might be found in the city of Dublin, if those who impanelled them thought fit to select them.

By Sir *G. Hill.*—Do you consider that those individuals in Dublin, who possess the same political sentiments with yourself, are of that class of impartial men that you have described might be selected for the grand juries in the city of Dublin?—Yes; I know of men of moderate opinions, that are loyal to their sovereign and to the constitution, that do not wish to outrage the feelings of their countrymen by any hostile acts; I know many of them that could be got.

Mr. *James Troy* called in, and examined

By Mr. *J. Williams.*—What is your situation in life?—A silk-manufacturer of Dublin.

Were you in Dublin at the time of the alleged riots at the theatre, and afterwards, when some bills were presented to the grand jury?—I was.

Were you before that jury on the day the bills were ignored, or on the former day?—I believe, the former day.

Were you examined before that grand jury?—I was.

To what point were you giving your evidence? —Relative to a transaction that occurred in a tavern, in Essex-street, the night of the riot at the theatre.

A transaction concerning what persons?—A number of persons that were indicted. Mr. Forbes, Brownlow, Graham, and others.

You have named the whole of the persons that you have designated, have you?—There were others in the indictment, that I do not recollect.

Had you seen some or other of those persons that you have now spoken of, at a tavern? On the night on which the alleged riot took place?—I had.

Did you state, what you had heard them say and do, to the grand jury?—I did.

Who examined you?—I was examined by several. I was in about a quarter of an hour.

How came you to quit the room in which the grand jury were?—After undergoing examination, I was told they were done with me.

Had you stated all that you had to say to the grand jury?—I think not the entire.

How did that happen; why not?—As far as I recollect at the time, I stated the occurrence that happened in the tavern; but there might be a part of the transaction that occurred there, that did not immediately come to my mind while in the grand jury room.

Did you state to the grand jury all that you knew, or if you did not, how did it happen that you did not state it all?—It occurred when a question was put to me, in giving an answer; before my answer was entirely delivered, I was interrupted by a fresh interrogation.

Did you name the persons that were supposed to be included in that charge?—In relating the transaction as it occurred, I was desired by two of the jurors not to name any person who might have expressed himself in any way, whom I did not know by name, the night the transaction occurred.

Before that time, had you stated that you did not know their names the night you saw them at the tavern, but you learnt their names since?—I had.

Did you mention to the grand jury, when those observations were made to you, that you knew the persons of the men?—I did.

And that you had since learned their names?—I did.

Was it after that, that those observations were made to you by two of the grand jury?—It was.

How long before you quitted the room was it, that these observations were made to you by two of the grand jury?—A considerable time before I left the room.

Mr. *George Farley* called in, and examined

By Mr. *J. Williams.*—What is your situation in life?—An attorney.

Were you examined before the grand jury upon the subject of the alleged riot at the theatre?—I was. Upon the subject of a conversation that took place in a tavern, in which I was sitting, kept by a person of the name of Flanagan, in Essex-street.

Had you seen some persons, and heard some expressions from them at that tavern?—I had. There was a Mr. Forbes, a Mr. Graham, and Mr. Atkinsons, and a Mr. Brownlow.

Did you give any evidence respecting the persons you had seen, and what you had heard, at that tavern?—I did.

Did you name any one person that you had seen and observed at that tavern?—I named two Mr. Atkinsons, Mr. Graham, Mr. Brownlow and Mr. Macintosh, as persons that I knew by name. I mentioned that there was another person sitting in the box opposite to me, whose name I did not know at the time that I was sitting in the tavern. I was told by the jury, not to mention the name; to say nothing that I did not know of my own knowledge. I then said, that although I did not know his name at the time, yet that I had learnt that his name was Forbes.

Was any remark made by any of the jury, on your saying that you knew the person of that man?—I was called upon to state what I had heard in the box; and in mentioning the name of Forbes I was again interrupted, and told not to mention the name of any person except I knew it of my own knowledge; I then said I had seen him that morning in court, that I was told his name was Forbes, and that I had no doubt of his being the person that I saw in the tavern. Then I was asked to mention the conversation that I heard, and I repeated almost every thing that I heard in the box upon that occasion; and I must say, that I was very frequently interrupted by some of the jury when I mentioned the name of Mr. Forbes.

In what manner?—"You are not to say any thing you do not know of your own knowledge."

Did you observe whether the foreman took any part in it?—He seemed to take the most active part of any of them. He told me twice, not to mention the name of any person that I did not know of my own knowledge. He put the questions; he asked me occasionally what was said in the tavern; what I had seen there; and when I happened to mention the name of Forbes, because I did not know him the night I saw him in the tavern, I was told not to say any thing at all about him.

At that time, did any other of the grand jury interpose?—There was a gentleman who sat on my left desired that I should be heard; for two or three were putting questions at the same time to me; I was mentioning something, and was interrupted.

Upon that gentleman on your left hand desiring you should be heard, what was said?—I proceeded then with my examination.

Was there any further interruption?—I do not think there was; I very shortly afterwards left the room. When I had finished what I had to say, I was told of course that they had done with me.

By Colonel *Barry*.—Were not you suffered to state every fact that came within your knowledge that happened at that tavern?—I think I was, except as to the name of Forbes. From the interruptions, I did not feel myself easy in the room; but certainly I did at the time mention every thing that occurred to me, and was allowed to do so.

By Mr. *Plunkett*.—Did the jury receive this evidence of yours as against a person of the name of Forbes, or against a person unknown?—I cannot say.

Was the bill ignored against Forbes?—I have heard it was.

After some further questions of an unimportant nature, the witness was ordered to withdraw. The House resumed, and the chairman obtained leave to sit again.

HOUSE OF COMMONS.

Wednesday, May 7.

Sale of Game Bill—Petition of Mr. Cobbett against it.] Mr. *Brougham* rose, he said, to present a petition from a writer of eminent talents, respecting the Game Laws, which contained statements, as he thought, deserving the gravest consideration of the House. It was signed "W. Cobbett," and it prayed, that as there was a motion for bringing in a bill for the alteration of the Game Laws, the House would be graciously pleased to pause before passing an act which, as the petitioner had been informed, was likely to go to legalize the sale of game by lords of manors, and other privileged persons to be designated in the act. It prayed that the House would weigh well and consider the state of the laws, and the severe hardships which were inflicted on the community at present by their operation, which were greater than ever was known in any other country, or at any other period in this country; and that the House might the better judge, the petitioner offered to their consideration the following most alarming facts. The calendar for the ensuing quarter sessions in the county of Berks, contained the names of 77 persons now in Bridewell. Of these 22 were for poaching; and of these 22, there had been 9 committed by clergymen acting as magistrates in that county. The petition stated further, that, in general, poaching was punished with greater severity than offences punishable with death. In one sessions, an utterer of false silver coin had been punished with 12 months' imprisonment, a housebreaker with 24 months' imprisonment, and a poacher with 24 months' imprisonment and hard labour. Such were the statements of the petition, for which he did not pledge his own responsibility; but yet he thought that they demanded serious consideration, and the case was altogether grave enough without any aggravation. The petition went on to state, that of 16 persons condemned to death at the assizes at Winchester, in the Spring of last year, the only persons who suffered death were two young men who had resisted game-keepers. The petitioner therefore prayed the House to consider well before they passed the bill into a law, which was to give a property in wild animals to the lords of manors and others, which could only be done by oppressions, great in suffering and humiliation to the people at large, and by compelling the country to submit to grievances for the protection of this new property, which, in regard to the power of those who made the laws, and the abjectness of those who were called on to obey them, would be without any parallel in any country westward of Constantinople. These were the remarks and statements of a man of sufficient powers of observation and understanding to make them worthy of attention. And certainly, of all men in the world, Mr. Cobbett was not one likely to treat with leniency this offence of poaching, which took men from their lawful industry, and caused them to waste their time and destroy their morals in forbidden courses; for, as he (Mr. B) had been given by others to understand, no one act, among all those most objectionable laws upon the subject contained in the Statute-book, had half, no, not the hundredth part of the efficacy in deterring men from poaching. This he felt to be due to a man for whom, in other respects, he could not be supposed to have the most friendly feeling.

Lord *Palmerston* said, that the two young men in question were executed, not for poaching, but for murder. One of them had killed a game-keeper who was in the lawful exercise of his duty, the other had levelled his piece at another game-keeper, who received the contents in his body, but from proper treatment recovered. He was able to speak with certainty upon the characters of the young men, as they were servants of his, and he must say a more cruel and deliberate outrage had never been committed.

Mr. *Brougham* said, that he did not deny the statement of the noble lord, and yet it would rather go to support the reasoning of Mr. Cobbet. It was not even necessary for him to palliate the offences of the two young men: for the question was, how came they to kill the gamekeepers? and then the answer might be, in consequence of the state of the law. That was the very argument he had used before the court on the trial of 21 persons the other day, charged with murder on the high seas, and it prevailed, too, with the jury: for the men were killed in consequence of that most abominable law, which enabled revenue cruisers to fire shotted guns upon the ships of any nation within two leagues of the British coast.

Mr. *Benett,* of Wilts, admitted that the two young men had suffered death very properly in Hampshire. Still he thought that the state of the law demanded reformation. Most of the offences of the country might be considered as results from the severity of the game-laws. Offenders were gradually trained from poaching to shop-lifting, and then to house-breaking, and occasionally murder.

Sir *T. Baring* corroborated the statements in Mr. Cobbett's petition. Half the offenders in Hampshire were committed for poaching.

The petition was ordered to be printed. The following is a copy thereof:

To the honourable the Commons of Great Britain and Ireland, in parliament assembled. "The Petition of William Cobbett, of Kensington, in the County of Middlesex, Most humbly sheweth,

"That wild animals are, according to the law of nature and the common law of England, the property of him, be he rich or poor, who is able to catch or kill them; that, nevertheless, laws have been passed in this kingdom to appropriate the animals to the exclusive use of a few; and that your petitioner has been informed that certain persons intend to apply to your honourable House to pass a law to make this appropriation more exclusive, rigid and unjust than it now is, by authorizing the selling of the animals aforesaid, and by confining the right of selling to those persons who now claim and exercise a monopoly of the sport of killing those wild animals:

"That your petitioner has now lying before him the quarter sessions calendar of this present month of April, for the county of Berks; that he finds there to be 77 prisoners in the Bridewell of that county; that he finds 22 of these to be imprisoned for poaching, and that 9 of them have been committed by ministers of the Church of England, acting as justices of the peace; that he finds, in this calendar, that poaching is, in many cases, punished with more severity than theft; that he finds an utterer of base silver punished by twelve months imprisonment, and a house-breaker punished by 24 months; and that he finds a poacher punished with 24 months imprisonment and hard labour:

"That your petitioner thinks it monstrous injustice, that the rest of the community should be taxed to build and repair prisons and maintain gaolers and prisoners, and also the wives and children of so many prisoners, and all this for the preserving of those wild animals which it is a crime in nine hundred and ninety-nine out of every thousand of that community to pursue, or to have in their possession; and he, therefore, prays, that your honourable House, if you should think proper to continue the present game-laws in force, will be pleased to enact, that those who prosecute poachers shall pay all the expenses attending their imprisonment, or other punishment; and also all the expenses attending the support of wives and children rendered chargeable by such punishment:

"That your petitioner, looking at the above-mentioned scale of punishments, and bearing in mind, that, of 16 persons, condemned to death at the assizes at Winchester, in the Spring of last year, the only persons actually put to death were two young men, who had resisted gamekeepers; that your petitioner, looking at these things, prays that your honourable House will repeal those terrible laws relating to the game, which were never known in England till the reign of the late king, and that, at any rate, you will not make game saleable without, at the same time, making those who are to have the exclusive profit, pay the expense of punishing poachers and also the expense of keeping their pauper families; for, though it seemed that nothing could add to the injustice of compelling men to feed wild animals and to pay for preserving them for the exclusive sport of others, yet that injustice would assuredly be rendered more odious by the proposed measure for giving the few a monopoly of the sale of those animals, which, to the insolence of feudal pride, would add the meanness of the huckster's shop. Great has been the suffering, great the humiliation to which the people, in different countries, have, at times, been reduced by aristocratic power; but to compel the mass of the community to pay for the preserving of wild animals, to punish them if they attempt to pursue, or touch those animals, and to enable the aristocracy to sell those animals, to have the exclusive sale of them, and exclusively to pocket the proceeds, though the animals have been reared at the expense of the whole community, is, as your petitioner believes, a stretch of power on the one hand, and a state of abjectness on the other, wholly without a parallel in the annals of any country westward of Constantinople.

Wm. Cobbett.

Sheriff of Dublin—Inquiry into his Conduct.] The House having again resolved itself into a Committee on the conduct of the Sheriff of Dublin, sir R. Heron in the chair,

Henry Cooper, esq. was called in; and further examined

By Mr. *J. Williams.*—Did Mr. Sheriff Thorpe interfere in preventing Mr. Poole being put upon the panel?—On communication with Mr. Thorpe, we agreed that he should not be on the panel; I had no objection to Mr. Poole's being on the panel, but in consequence of his calling on me; I rather think, had he not called on me, he should have remained on the panel.

Did not sheriff Thorpe object to Mr. Poole on the ground of his political opinions?—I cannot be certain.

Do not you believe, that Mr. Sheriff Thorpe objected to Mr. Poole, on the score of his political opinions?—I know they differ in principle; but I rather think he did not communicate that to me; at the same time I cannot say positively.

Upon your examination the other night being closed, did you not see Mr. O'Reilly, the witness?—I did.

Do you now mean positively to say, that Mr. Sheriff Thorpe did not make objection to the political opinions of Mr. Poole?—I do not mean positively to say it, but I rather think he did not, in consequence, that from the circumstances that occurred, he and I were not of the same feelings in politics.

Did you and Mr. Sheriff Thorpe concur, at last, in forming the panel from which this grand jury was struck?—We did.

You have mentioned, that the panel, when it was presented to you first, was in the hand writing of Mr. Sheriff Thorpe?—I think it was.

Was Mr. Poole's name upon the panel when it was first shown to you?—It was.

You have stated that you cannot take upon yourself positively to say, at whose suggestion it was that his name was put off the panel?—It was mutually.

You mentioned on a former evening, that the reason of Mr. Poole's being struck off was, his having made the application?—To me; if he had not made the application, I think I would have insisted on his being on.

What do you mean by your insisting on his being on?—In consequence of his standing in a similar situation with those who were on, being one of the members of the commons of the city of Dublin.

Do you mean, you would have insisted on his being on, against Mr. Thorpe's attempt to put him off?—I think I would, for I have known Mr. Poole a long time.

What was the nature of Mr. Poole's application to you; was it in the way of complaint or of application?—I think he came to me, to require me to speak to Mr. Sheriff Thorpe, to have him put on the panel.

Did he make any complaint with respect to any breach of promise in Mr. Sheriff Thorpe?—I do not think he did.

By Mr. *Plunkett.*—Are you positive whether, when Mr. Poole first came to you upon the subject of being on the jury, he did not make a complaint of Mr. Sheriff Thorpe having broken his word in having put him off?—I think I can go the length of saying, that he did not complain; the first complaint I heard was in the court, that Sheriff Thorpe (when the panel was struck) and Poole had some words in consequence of his not being on.

Do you not believe, that Mr. Poole had long before that, applied to Mr. Sheriff Thorpe, for the purpose of being on the panel?—I do, from conversations I have heard since, but not at that time.

And that he had promised him?—Yes.

Was that before Mr. Poole came to make his application to you?—Not before that, I did not hear.

Do not you believe the fact to be, that before he came to make the application to you, he had been promised by Mr. Sheriff Thorpe, that he should be upon the panel?—I declare I cannot form a belief of it.

From what you now know, and have heard, do you not believe that an early promise had been made by Mr. Sheriff Thorpe to Mr. Poole, that he should be upon the panel, long before the conversation with you?—I do believe, from the conversation I have heard since, that he had been.

The return of the panel was in the hands of Mr. Sheriff Thorpe?—It was.

Why did Mr. Poole come to you, he having already had a promise from Mr. Sheriff Thorpe, to be upon the panel; why did he apply to you to put him upon the panel?—I cannot say.

Do you not believe that it was because he had heard, that Mr. Sheriff Thorpe had changed his mind as to putting him upon the panel?—I think it may be so.

From what you have since heard, do you believe that Sheriff Thorpe had changed his intention of keeping Mr. Poole's name upon the panel, before Mr. Poole made the application to you?—I do.

If sheriff Thorpe had changed his intention, as to keeping Mr. Poole's name upon the panel, before Mr. Poole applied to you, how could Mr. Poole's applying to you be the cause of Mr. Sheriff Thorpe's putting his name off the panel?—This was the preparatory list, prepared for the record panel, and on reading that over, when we came to Poole's name, a conversation took place, as I have mentioned before, and I stated that he had called upon me, and under those circumstances I thought his name ought to be omitted.

By Mr. *Leycester.*—Do you know how many "conciliation-men" were upon that panel?—I know there were some very moderate minded men upon it.

Do you think there were five?—I do.

Were those five within the first 27 of that panel, or any of them?—If I had the panel I could state; but there were certainly more than that, to my knowledge, upon the panel.

George Harris called in; and examined

By Mr. *J. Williams.*—To what regiment do you belong?—The 7th hussars; troop-serjeant major.

Were you not examined before the grand jury, after the alleged riot in the Dublin theatre?—I was.

Who examined you?—Four or five of the jury.

In what manner was the examination conducted by the grand jury?—Not very courteously; indeed it was not.

Explain to the committee what you mean by the words "not very courteously?"—They were very careful to remind me that I was speaking upon my oath; and after I had answered a question, it was repeated to me, and that in a significant and fretful manner; and when I was asked, how I could possibly know a person I had seen in one gallery from the other; one of the jurors replied to me, I do not think you could know the person you swear threw the missile." I was speaking of the person I had sworn to as having thrown the rattle.

Had you, at the time, positively stated your knowledge of the person?—I had stated it with the greatest confidence; I spoke to the individual who threw it; one of the jurors answered, "I do not believe that you knew the person who threw the missile."

When you retired from the room, did you make any comment to the persons in the neighbourhood, to bystanders, on the manner in which you had been treated?—I did; there were several gentlemen standing at the grand jury room door, and were inquiring of most of the witnesses, as they came out, how they had been received by the jury; I there publicly said, I had been used very badly, and I also heard several of the other witnesses say they had been used in a similar kind of manner.

By Colonel *Barry.*—Was it the mode of examination you objected to?—Yes; I thought the manner rude in which I was interrogated.

Did they seem to discredit your testimony?—Perfectly so.

Philip Burke Ryan called in; and examined

By Mr. *J. Williams.*—What is your situation?—An officer of excise at Dublin.

Were you examined by the grand jury, on the subject of the riot at the theatre?—I was. I was examined as to a few questions, by the foreman; and then by one or two more, immediately after him; and in the course of a few minutes, I was asked one question by one, and before I had time to give an answer, two or three more started fresh questions to me, for the express purpose, as I conceived, of shaking my testimony, from the manner in which they proceeded towards me; that was, after one of them asked me my motives and my expectations, if I was counselled or advised, or what my expectations or motives were for coming forward to give my testimony there.

Did you make any complaint to them of the manner in which you had been treated?—I did to the foreman; I was called from where I sat, next to the foreman, and in the event of being annoyed so much by two of the grand jurors, I immediately returned back to him, and told him, it was impossible for me to give direct answers to the questions they put, or to be able to recollect the questions they put to me, from the manner in which they acted. I told them, when they were annoying me, that I was equally sworn as they were, that I took a solemn oath in the court to do my duty, and had no other motive for doing it, and requested to be heard distinctly by them.

Was that after the question had been put in the manner you have described, so that you had not an opportunity of giving your answers fully and distinctly?—Yes, it was.

Were you stating evidence as to the persons of any of the men that were charged by the indictment?—Yes, I was stating the particulars of the circumstance, and the description of the person who threw the rattle; because I was asked by one of the grand jurors, were not there two Grahams there; did not one of them wear glasses, and which of them it was that threw the rattle; I said, that the one who threw the rattle did not wear spectacles, and that he was a low-sized, sallow-looking young man. One of the jury asked me, could I be mistaken in the person of the man, and I said it was impossible; he said, I think you have admitted you might have been mistaken, for I have such language on my notes; and I told the foreman of the grand jury I had used no such language; the notes were referred to, and there was no such language to be found. At the first commencement I was very civilly treated, but at the latter end I was not; for immediately after coming out of the door, I mentioned the conduct of the grand jurors to me, to a number of people standing outside the door, strangers.

Did you hear any other complaints by other persons?—Some of the persons who came out grumbled in a similar manner; but I do not recollect what were the words they said.

At the time you complained to the foreman, that you could not, in that manner of examination, fairly give your testimony, were you enabled fairly to state what you had to state?—No; for some of them looked upon me with contempt, and laughed; and from the manner in which the questions were put to me, I could very badly answer them, one at one end of the table, and another at another part of the table; I was talking to three jurymen at one and the same time.

By Colonel *Barry*.—It was you identified George Graham?—Yes.

You are positively certain as to his identity?—Oh, yes; if I saw the man I would know him again, equally the same as I did that night, or in the court of King's-bench.

By Sir *J. Stewart*.—You said, that somebody took notes for the grand jury?—One of the grand jury themselves; a man of the name of Joseph Henry Moore was the man who made use of the word I have just stated, that I might have been mistaken, that that was the word I made use of.

It ended in your telling the grand jury the whole of your evidence?—Yes.

You were examined before the petit-jury?—I was, in the court of King's-bench.

You gave the same testimony before the petit jury, as you had given before the grand jury?—To all intents and purposes I did.

And you swore to the same man?—I did, to George Graham, as the person who threw the rattle.

That man was not convicted?—At the time I appeared before the grand jury, the bills of indictment were found against him and against another; and at the time I appeared in the court of King's-bench, he was not convicted; and I gave, to all intents and purposes, the same testimony before both juries.

Was not there a bill of indictment found against him and another man for the riot?—Yes.

But he was not found guilty before the petit jury?—No, he was not.

The grand jury found a bill for the riot against that man whom you identified, and the petit jury did not find the man guilty on the same testimony?—Yes.

By Mr. *Brownlow*.—Did you see Graham on the night of the play-house riot?—I did.

Where did you sit?—On the fourth or fifth seat of the middle gallery, and he was sitting on the front seat of the upper gallery, at the time I recognized him, with the rattle in his hand. I saw him with it before he broke it, winding it in his hand, striking it against the gallery, and I saw him stand up and look into the middle of the gallery, and throw a large piece of the rattle, which struck the cushion or edge of the seat adjoining the box in which the lord-lieutenant was sitting; and I called out to a person to have him taken into custody, which he did not do.

What sized instrument was this that he threw?—It was not to say a very large size, but it was weightier than timber of another description; I saw it in the court of King's-bench.

Was it as large as that little book there?—[six inches by three]—It was a solid piece. It appeared to me a good deal larger, for it went round here, and scooped for the handle of the rattle to fit to it.

Was it such a weapon as a man would have attempted the lord-lieutenant's life with?—From the size and weight of it, and from the place in which it was, and from the velocity of it, I have no hesitation in saying, that if it had hit him, it would have killed him; it could not weigh less than two pounds, the wood being of a weightier description than wood in general; it may have weighed that.

Did you weigh it?—No; but I saw it on the stage, and saw it produced in the court of King's-bench; for the man who took it up produced it as the piece of timber he found there.

The piece of timber?—It is a piece of timber in itself, though called a rattle.

Mr. *Terence O'Reilly* again called in; and examined

By Mr. *S. Rice*.—Have you had any conversation with Mr. Sheriff Cooper, on the subject of the attendance of Mr. Poole on the grand jury?—I went into sheriff Cooper's yard; and upon one occasion I saw Mr. Poole. Mr. Cooper mentioned to me that he was seeking to be on the grand jury; that he conceived it indiscreet for him to do so; I then suggested that he was as respectable a man as probably any one of the grand jury, and what injury could it do to have him on it, or words to that effect. Mr. Cooper replied, that he could not interfere with sheriff Thorpe: it was his quarter, and that he could not interfere with him. It is right for me to say, that I mentioned that conversation to Mr. Cooper last night, as it being my impression of what occurred then; he contradicted that part of it which related to sheriff Thorpe's having refused to put Mr. Poole upon the jury; and he said it was he, Mr. Cooper, had objected to him, in consequence of the application to be put on; my recollection, however, previous to that denial, was as I have stated.

Did Mr. Sheriff Cooper make any observations to you last night, with regard to the evidence he was about to give to this House?—I told him the evidence I would give, was what I had at first mentioned; and the only thing that makes me alter my mind with respect to it, is the conversation of last night; and the impression that sheriff Cooper may probably have a better recollection of the facts, being more interested in the event than I was.

Did Mr. Sheriff Cooper address himself to you, did he begin the conversation?—No, I went to him, and told him my impression of the conversation which had previously occurred; and he said it was true, with respect to every thing, save that of his referring it to sheriff Thorpe; that it was his wish to keep him off the jury in consequence of his application.

Is your impression, independently of that conversation, such as you have stated?—Yes, independently of that conversation, it is quite clear as to what I at first stated.

Christopher Moran called in; and examined

By Mr. *Nolan*.—What is your situation in life?—I am a painter at Dublin.

Were you before the grand jury in January last?—I was, for five or six minutes. They asked me if I saw the stick or the bottle thrown; and I said I did not. I was describing the riot to them, and they did not seem to think any thing about it, and they told me that would do. They asked me the persons that I saw rioting. They asked me a good many questions.

When they asked you, whether there were any persons whom you saw rioting, what did you tell them?—I told them I did.

Did they ask you any thing more, or send you away?—I was describing how one of the rioters was taken; and some of the grand jury told me, that would do and showed me out.

Did they take an account of what you said, or did they send you out without it?—I believe they did; they took an account of what I said.

What account did you give them?—I described the persons I saw rioting and what they said.

What did they say upon that?—I heard them calling out, "no papist lord lieutenant."

Were you going to give them a further description of what had taken place?—I was; and they seemed to laugh and think little of it.

And they prevented you, and stopped you from going forward?—Some of them told me, that would do.

Did you tell the whole of your story, or did they, by stating, "that would do," prevent you from telling it; and then show you out?—I intended to have described how one of the rioters was taken.

Did they prevent you from telling it; did they say that would do, and sent you out?—They did; I understood so, by their telling me that would do, that would do: and one of the gentleman showed me out.

By Col. *Barry*.—Was it late in the day when you were examined; had many witnesses been examined before you?—I do not know.

Do not you think it very probable that they had heard the story you were going to tell them, from many witnesses before?—I do not doubt that they had.

By Sir *J. Sebright*.—You were going on, and they interrupted you?—Indeed I think they did, by telling me that would do.

Had you told them all that you meant to say upon your oath, before they told you that would do?—I was going to describe how one of the rioters was taken, for it was I described him to a peace officer.

And they would not hear you?—One of them told me that would do; they seemed to laugh at me.

By Mr. *S. Rice*.—Did you tell your whole story; all that you wanted to tell them?—No, I did not; I wanted to tell them how this person was taken.

Was it what they said to you prevented you?—It was.

Do you conceive it was very material how the man was taken; you told them his name?—Yes, I did.

It was against Matthew Handwich you were about to tell this story?—Yes.

You say you pointed out to the peace officer a man that he was to apprehend?—Yes, I bade him to search him; he had got a big stick under his coat.

Did you state to the grand jury what was your reason for so pointing him out to the peace officer?—I do not recollect whether I stated that to the grand jury.

Should you have stated it had they not laughed at you, and treated you in the manner you have described?—Yes.

Did you tell the grand jury what you saw the man do, which induced you to point him out?—Yes, I did.

Did you tell the grand jury what induced you to point him out to the peace officer?—I did; but I did not tell them it was I who pointed him out.

Why did you not tell them that?—I was about to describe that, when they told me that would do.

Did you see any other person concerned in the riot, and would you have informed the grand jury if they had not laughed at you, and interrupted you, and said that was enough?—I would; I saw the person throw the rattle in the theatre, but I did not see him riot; I cannot say he was the person.

You were prevented giving evidence as to a person you would have given evidence about, if they had not prevented you?—From the way in which I was used.

Who was that person?—A person of the name of Graham.

That was the man who had the rattle?—Yes.

Were not the bills found against that man for the riot?—I believe they were.

Did the grand jury begin asking you any questions, or did they merely desire you to tell your story?—They asked me questions.

What questions did they ask you?—They asked me if I saw the bottle thrown.

What did you say to that?—I told them I did not.

Did they ask you any other questions?—They asked me, did I see the sticks thrown.

What did you say?—I told them, I did not see them thrown.

Did any of the grand jury ask you any other question?—I believe they did.

What was it?—They asked me, if I knew any of the persons who were rioting; I told them that I did. I described their persons and their names.

What person did you describe?—Matthew Handwich and Henry Handwich, the two persons I could name.

What did they do upon that, did they ask you more questions, or tell you that would do, and send you out of the room?—They asked me what I saw them doing; I told them I heard a hiss and a groan.

What did they do upon that, did they desire you to withdraw?—They did, when I was about to describe the manner in which the man was taken. [The witness withdrew.]

It was here understood that the case against the Sheriff was closed, but with this reservation, that it would be open to any member, in a future stage of the investigation, to call for any information he might think proper.

Colonel *Barry* remarked, that in producing witnesses on the part of the sheriff, he laboured under this difficulty, that the examination had been hitherto conducted by the principal learned gentlemen in the committee, whilst almost the whole weight of the cross-examination had rested upon himself. He hoped, therefore, for much indulgence in the performance of the duty which had devolved upon him.

Mr. *Nicholas Murray Mansfield* called in; and examined

By Colonel *Barry*.—What is your situation in Dublin?—I am the chief and only clerk in the Sheriff's office.

Do you know how the grand jury panel of January 1823 was made out?—It was made out in the first instance by sheriff Thorpe's writing a list of names, and afterwards submitting it for the approbation of his brother sheriff Cooper and his sub-sheriff Mr. Whistler.

Were the names that were on it those of men of respectability?—Perfectly so.

From the character of those men who were upon that grand jury, do you, or do you not, think they were well calculated for doing business between the crown and the person to be tried on the subject at issue?—I certainly do.

Did you ever hear either of the sheriffs express an opinion that men of what are called warm politics should not be on the panel?—I did; both sheriff Thorpe and Mr. Cooper. I conceive the majority of that jury to have been moderate men.

At what time was it that Mr. Sheriff Thorpe told you he wished no violent party man to be on the panel?—Before he submitted the panel to his brother sheriff Cooper or to Mr. Whistler.

Was it before the names were put down upon that panel that Mr. Sheriff Thorpe said he wished to have no party men upon that panel?—No, it was after. I did not know who were ultimately adopted, till it was inspected by Mr. Sheriff Cooper and Mr. Whistler. Mr. Sheriff Thorpe submitted it to me, and asked me whether I knew any of the men to be violent party men; I read over the names, and said I did not know any of them to be such.

By Mr. *Jones*.—Were you acquainted intimately with any of the individuals who were upon that panel?—Certainly I was.

They consisted of a much smaller number than was usual on panels of the grand jury?—They did.

There was a very unusual circumstance attending it, the ex-sheriff was not the foreman of that jury?—He ought not of right, agreeably to my conception, to be so.

But according to usage he always had been the foreman of that jury?—He could not have been, the sheriff that ought to have been the foreman was sir Thomas Weyland, he was in England and unwell.

But one or other of the ex-sheriffs had always by custom been the foreman of the first grand jury after they went out of office?—Not always; they were always solicited to take the situation, but they sometimes declined doing so.

You know that sir W. Smith, who was the ex-sheriff, was what was called a conciliation-man?—I never heard him called so. I really do not know what the term means. I have heard it applied to some that I really do not apprehend to be so; I never heard it applied to sir W. Smith.

Was not the term conciliation-man, in the city of Dublin, applied to those persons who abided, or professed to abide by the dicta of his majesty's letter?—I have no doubt it was applied to those who professed to abide by it.

Do you not know that sir W. Smith was one of the persons who professed to abide by the dicta of the king's letter?—I do believe sir W. Smith did.

Then was not sir W. Smith a conciliation-man?—By inference, he must have been.

Sir Thomas Weyland was sheriff in 1822, was he?—He was,

Who was the other sheriff?—Sir W. Smith.

In what way was the last panel of that year for the commission grand jury formed?—From the best of my recollection it was formed by myself.

You selected the names and submitted them to the sheriff?—Yes.

Was that the case with all the panels of that year?—Certainly not.

The last panel but one, the commission before the last, who formed that?—To the best of my recollection I did; it was formed in a like manner with the rest.

How was the panel for the commission before that formed?—I think about three or four of them might have been so formed, and about three or four of them by the high sheriffs themselves. I have a most positive and distinct recollection of sir W. Smith himself having formed a grand jury panel during his year of office.

Can you state what was the course of forming the panels in the year 1821?—When there was any extraordinary question to be tried, the high sheriffs took upon themselves to strike the grand panels; when nothing but the ordinary or common routine business was to be transacted, it was left to the sub-sheriff, and it very frequently in that case devolved upon me to do it.

Who were the sheriffs in the year 1821?—Sir G. Whitford, and sir N. W. Brady.

Can you state any instance in 1821 in which the panels were formed by either of those gentlemen personally?—No, I cannot; but my recollection is, that when an extraordinary occasion occurred they struck, when it was the ordinary routine business, it was left to the under sheriff.

Can you state any instances within your official duty in which you recollect that to have occurred, and from that remembrance derive that impression except the one you have stated?—No, I have no present recollection to fasten the thing on my mind.

Take a little time to recollect whether there was any other instance except that you have mentioned?—The only circumstance which can fasten it upon my recollection is, that I am aware it was usual on the approach of the commissions, either for the sub-sheriff to speak to the high sheriff or to write him, informing him that the commission was approaching, and that it would become necessary to strike the juries; the line afterwards to be pursued depended on the answer of the high sheriff; he sometimes did it himself, and at other times said "There is nothing particular to be done, you may as well assist me by doing it."

The general course was for the sub-sheriff to do it?—I think the general course was, unless something particular was to be done.

Your impression that when any thing particular was to be done it was done by the high sheriff, was in consequence of particular instances?—I think the general course was, if there was nothing particular to be done, for the high sheriff to say "Will you do this for me."

The impression of its having been otherwise in particular cases must have arisen out of special circumstances arising within your own knowledge?—Yes.

Can you state any other instances of the sheriffs themselves striking the panel, except that of sir W. Smith and this late instance of Mr. Sheriff Thorpe?—I cannot charge my memory with how the thing was done, but I am quite certain there never was a sheriff in the office that did not strike some one grand jury.

But except in those two instances you can recal no other?—No; nor would I have been prepared to state those two instances, but for conversations I have had on the subject of the present proceedings.

By Mr. *Plunkett.*—You have stated that you consider that panel of the grand jury in January 1823 was returned in the usual and ordinary manner?—I have.

In every respect?—I think so.

And consisting of persons who were fit and proper and impartial for the trial of the case that was expected on?—I believe so.

It was your express wish and the instruction of Mr. Sheriff Thorpe that no person of warm party feelings should be returned upon it?—No, not his instructions; he submitted the list and asked me to look at it, and requested my advice as to those persons.

As to whether they were persons of warm party feelings?—Yes, and I said I believed they were not.

Was not the trial that was expected on, one that involved a good deal of consideration with respect to the dressing of the statue of king William?—Yes, I think it was.

There had been pretty strong opinions expressed upon that subject by certain persons in the city of Dublin?—A great many.

Do you not believe that an election of common-council-men took place some time in the month of November preceding that commission?—I know it did.

Do you not believe that a new election of corporators to the amount of 96 took place at that time?—I do know it.

Do you not believe that considerable exertions were made by a certain party in the corporation, to have persons returned who were favourable to the dressing of the statue?—In some of the guilds there was. By the guild of merchants particularly; but I think the principal object of the political party in the guild of merchants, was the election of one individual who had been rejected from the brewers' corporation; a Mr. Sutter.

What was the reason of his being rejected from the brewers' corporation?—I believe, that the great reason of the effort being made in the guild of merchants was, that he had exerted himself very much on the dressing of the statue, and that his whole claim to the favour of the guild of merchants was founded upon that circumstance.

Do you not believe, that a list was circulated of 31 persons, who were represented as fit to be elected as common-council-men for the guild of merchants, as being good men in bad times?—I know there were several lists.

Will you have the goodness to look at that paper? [the hand-bill produced on a former evening being shown to the witness]—This is one of the lists.

Do you consider that the 31 persons who are named in that list were recommended upon the ground of their being favourable to the dressing of the statue?—No, I do not believe that.

Will you look at the device at the top of that list?—I do.

It is the figure of king William treading on the emblem of the lord mayor?—It is.

Was not the offence, that the lord mayor of Dublin had given at that time his having given directions for preventing the dressing of the statue?—I believe it was.

What were the "bad times" designated in that paper; do you believe they were times in which the dressing of the statue was prevented?—I believe it refers to the dressing of the statue.

You believe the object was, to obtain 31 men of the like description with Mr. Sutter?—I have no doubt the party who made out this list would have returned 31 men of the description of Mr. Sutter, in preference to any other description of men, if they could have got 31 such.

You are not of opinion that 31 such as Mr. Sutter could have been got?—No, I think they could not.

Do you not find that out of the guild of merchants alone, seven of the persons who are named in that list were returned upon the panel, and sworn upon the grand jury?—I perceive there are seven of the persons in this list that were on the grand jury.

And that were elected of the guild of merchants upon that occasion?—Yes.

You have said that the jury was formed of persons dispassionate, not of warm feelings, and who were perfectly fit for the trial that was coming on?—I have said so.

Do you think those persons were of that description?—I do think so.

And it is upon the same principle you say that the jury generally were?—Certainly. I say the circumstance of their being in this list does not mark the tenor of their politics. I am of opinion the persons who made this list would not have put them there if they could have got better men for their purposes.

Will you have the goodness to say whether you consider a sworn Orangeman a proper and fit person to be put upon the panel of that grand jury, for the purpose of the then expected trial?—I do not conceive he was.

Do you see upon the list of the grand jury a person of the name of Joseph Lamprey?—I have seen it.

Do you not believe that he was a sworn Orangeman?—I have no reason to believe it.

Have you any ground then, to form an opinion whether he was a fit person to be on that grand jury?—I never heard he was an Orangeman, and therefore I think he was a proper person.

Do you see upon that list the name of Edward Cusack?—I do.

Do you believe that he is an Orangeman belonging to the lodge 1640?—I know he is, because he subsequently told me so himself.

Do you now think he was a proper person to be returned?—I am quite sure he would not have been returned, if he had been known to be an Orangeman; I would not have recommended him.

Do you believe that Samuel Lamprey is an Orangeman?—I do.

Do you consider him a proper person to be returned on that panel?—I certainly would not if I had known it at the time.

The usual practice in your office is to have fair and independent jurors returned for trial of all the issues which come before the court?—So far as I have known, it has always been so.

And was so upon the present occasion?—I really do believe the parties making out that jury, were actuated by the same pure motives their predecessors had been.

Do you mean to inform the Committee that the sworn grand jury on that occasion was constituted with a view to the administration of impartial justice with a view to the approaching trials?—So far as I know I say it was.

Were you applied to by any person to return particular names on that panel for any particular purpose?—I was. There was a list or paper containing some names given to me.

Did you make any answer to the person who proposed to you to return that list of names?—I did.

Did you promise they should be returned?—No, certainly not.

Did you say they should not?—My answer was, whatever can be done for your friend shall be done.

The uniform practice of the office being to return fair lists for the purpose of impartially trying the causes that were to come on?—So far as I know, it was.

For what particular trial was it that those names were suggested to you?—For the trial of a Mr. O'Meara, who was to be tried for perjury.

Did you feel a sentiment of indignation in your mind at such a proposal being made to you?—No; such proposals have been frequently made to me.

Were any of those names that were so proposed to you actually returned upon the panel?—That I cannot positively tell; I never read the names. The gentleman who made the application to me called me from the desk where I was transacting business, to a fire-place at some short distance from it; he said, "this is a list for my friend O'Meara, whom we have had some conversation about." I took the list from him, and said, "whatever can be done for your friend shall be done for him;" he walked out of the office; I walked towards the desk, and, as I had been in the habit of treating any application of that kind, I tore it, and never thought any more about it.

It is not in your power to state, whether the names so proposed were actually on the panel?—Quite impossible.

The House cannot, therefore, have the advantage of comparing the written list with the panel returned?—Certainly not; save that the House may have the means of coming to that information through the person who handed that list to me; a Mr. George Butler in the Six-clerks' office.

Do you know whether any bill was sent up against Mr. O'Meara on that commission?—I believe there was, and that it was ignored.

Do not you know that an application was made to the Court of King's-bench to grant an information against Mr. O'Meara for that conspiracy, on the ground of the grand jury having ignored that bill?—That I have heard only through the proceedings in this House.

Why did you give that kind of answer to Mr. Butler when he applied to you to return those names for a particular purpose?—Because I conceived it the shortest possible mode of getting rid of the application.

Do not you believe that it was an application to you to violate your sworn duty for a most fraudulent purpose?—Not my sworn duty, but a very sacred one.

Do you recollect the application being renewed to you?—I recollect the application afterwards.

Do you not believe, that the subsequent application was made to you by the same person for the same purpose?—Yes.

What did you say to the person when he renewed the application?—That it could not be effected, because sheriff Thorpe had taken the striking of the jury into his own hands; that answer was given precisely with the same view that the previous answer had been, namely, to get rid of the importunity.

Will you mention, why it was you tore that list, was it lest you should be tempted to read it?—No; the reason I tore it was, because I conceived it the mode in which every such document should be treated.

Do not you consider it would have been wiser to have preserved the document, to prevent any such persons from getting upon the jury?—I certainly did not; I thought I was doing my duty in getting rid of the application in the manner in which I did.

You conceived you were doing your duty in first informing the party whatever could be done should be done; and then destroying the document by which the guilt of the party could have been proved?—The proving the guilt of the party never entered my mind; I could never think of turning round on Mr. Butler, whom I had known many years.

Do not you think a gross insult was offered to you by the application?—If the application had been made by a stranger, I should have considered it an insult.

A person who knew you well, did not give you so much offence in making it as a person who is a stranger?—Certainly, I think a man should not be so much displeased with his friend for making applications as he would be with a stranger.

Then you think the more a person knew of you, the more right he would have to make such an application to you, and would be entitled to expect a favourable reception from you?—I should give him civil treatment if a friend made such an application to me.

Did not you think it was your bounden duty to prosecute the person making that application for tampering with justice?—I do not see how by the prosecution of a friend the ends of justice could be answered.

You say that applications of that kind have been very frequently made. Will you explain if they have been uniformly refused to be complied with why they have been so frequently made?—I cannot tell why they have been so frequently made, except that men are weak enough to think that their friends will do more for them than their friends are disposed to do.

Do you believe that any consideration of any kind was received by any one in the office, with respect to returning names upon that grand jury; will you take upon yourself to say there was not?—I positively do not believe any such thing.

By Colonel *Barry*.—Is not Mr. O'Meara a conciliation-man?—I understood Mr. O'Meara to be a Roman Catholic.

Is not he a man who is always supposed to be active in the Roman Catholic cause?—Yes.

Do you think the friend of a man active in the Roman Catholic cause would be likely to act in favour of persons whose crime was having acted against it?—I think if the friends of a man got upon a jury, they might go a great way to serve him.

Then if Mr. O'Meara's friends were put upon that jury, would they not in your opinion have defeated any intention, if such could have been entertained, of packing an Orange jury?—If the friends of Mr. O'Meara were of the same description of persons he himself was, I should think so, certainly.

By Sir *J. Newport*.—You said that the application to put those persons on the grand jury panel arose in consequence of previous conversations with the person who applied to you to put them upon it; what were those previous conversations?—I recollect but one; Mr. Butler, some few days before, met me in the street, and told me some round varnished tale of a friend of his being in great distress on account of a transaction of sixteen years standing, and begged to know if I would do any thing for him in the way of putting any of his acquaintance upon the jury. I said "You know, my dear Butler, any thing I can do for you shall be done for you."

In consequence of your having given these hopes to the person, that whatever could be done should be done, you had a subsequent application, and you conceive the manner of your answering upon those two occasions was the method best calculated to relieve yourself from any other application?—Yes, certainly.

You conceived that was the mode in which you could best discharge the duty of looking out a fair and impartial jury?—Certainly; there had not any other mode struck me at the time, but I now see it would have been the better mode to have preserved the list.

You are to be understood that it has been the practice more than once to make applications of a similar nature, with respect to putting persons on the panel, within your knowledge of the Sheriff's office?—Oh; certainly; I have been applied to more than once.

By friends?—By friends.

Not by strangers?—Of course no stranger would take the liberty.

A list contained in a hand-bill having been shown to you, you have stated that you have no doubt the person or persons who prepared that list would have selected exactly such men as Mr. Sutter, if they could have obtained them, but that they could not find 31 such names?—I did.

Have you any doubt that as they could not find exactly such names as Mr. Sutter, they would select men as like to Mr. Sutter as they could, in political opinions?—Assuredly.

You do not mean to say that 31 persons in Dublin could not be found of the same description as Mr. Sutter?—I do mean to say that 31 persons could not be found connected with the guild of merchants just like Mr. Sutter.

Mr. Sutter was not one of the grand jury panel?—He was not.

Who was the gentleman who spoke to you with respect to the names on the panel for trying the ex-officio informations?—Mr. Henry Archer, the ex-sub-sheriff.

When did that conversation take place?—About a week or a fortnight before the trials were to commence.

Will you repeat that which passed between you and him upon that occasion?—I think on Mr. H. Archer coming to the office, he asked me whether the sheriffs had commenced the striking of the jury panel, or whether they would take upon themselves so to do. I said, that I had known nothing about how the thing was going on. He said, "What description of persons do you think should be on the panel?" My answer was, "respectable independent persons." He said, he thought so too, and of mercantile men. I concurred. He then took paper, and made out the list from the grand panel of freeholders, and said, "Those are the descriptions of persons that I think ought to be on the jury for the ex-officio informations."

What has become of that paper?—Mr. Archer went away; shortly afterwards Mr. Sheriff Thorpe arrived? he said "I suppose it is time for us to be thinking of making out the jury for the trial of the ex-officio informations." I said "it is certainly time to be stirring about it." He said "I suppose sheriff Cooper will return a good panel." I said "here is a description of persons, certain persons would like;" sheriff Thorpe looked at the thing, smiled, and tore it.

By Mr. J. *Martin*.—You have been in the habit of making out the panels for the commission grand juries?—Sometimes. I have uniformly seen them.

What is the general number of which the panel consists?—They have certainly varied very much in their number on that point; there is correct information before the House from Mr. Riky. They run from 50 to 70, and from that to 100. The smallest number I recollect was that returned on the preceding commission by sheriff Thorpe; I think that was 63.

By Sir J. *Newport*.—Sheriff Thorpe consulted you and showed you the panel for the January commission?—He did.

Did it not strike you as extraordinary, that on a panel before which bills were to be brought for trials of the greatest consequence, the number should be much smaller than usual?—No, I would not have conceived that circumstance of any value whatever. The grand jury is so constituted, that it does not matter what the number was; the first 23 persons that answer to their names must be of the grand jury; no objection or challenge will lie; and therefore if there was an attendance of 23 secured, it is no matter what the number was.

Have you ever known the first 23 answer to their names?—No, I have not.

In general you would not think it sufficient to return a panel of 40 names only?—I certainly would not.

Do you think fifty would be sufficient in general?—No. When there is nothing but ordinary routine business, and that public feeling is not interested, 50 or sixty would not be sufficient; but when the public mind is occupied with the business to be done, 50 or sixty would be sufficient, for juries are generally anxious to attend on public occasions.

You have said that when you gave that paper of which you have spoken, into sheriff Thorpe's hands, you said, that was the list of names which certain persons wished to be returned?—I did.

Who are certain persons?—Mr. Henry Archer, his father alderman Archer, and his friends.

Did you make Mr. Sheriff Thorpe understand who certain persons were?—No, I think I went no further than the mere communication, that this was the description of persons certain persons would like to have upon the jury.

What did sheriff Thorpe do upon that?—He took the list, smiled at it, and tore it. I laughingly handed the list to him, and he laughingly received it, and so disposed of it.

Did you read any part of the list?—I really did not; I have no recollection whether I read the list.

Do you or not believe that the persons in that list were afterwards put upon the jury?—I cannot form a clear opinion, for I have no recollection of any of the names.

Is Mr. Archer a conciliation-man?—As I now understand the term he unquestionably is.

Looking over the list of the grand jury of January 1823, and comparing it with the recollection of former grand juries, do you think that it is composed of individuals of the same class of society as those ordinarily returned to serve on grand juries?—I certainly do.

By Mr. *S. Rice*.—Are you acquainted with William Carpenter, whose name appears upon that grand jury?—I am. He is a builder; I understand that he has had, within the last two or three years, from government, some very extensive contracts, either by himself or in conjunction with others, for some of the works about the Custom-house, and that he is a common-council-man, which entitles him to serve on the grand jury.

Did W. Carpenter ever serve on any former grand jury?—O yes; I believe many.

Can you mention any one year?—No, I cannot; but I am positive he served on a great many quarter sessions grand juries.

By Mr. *C. Calvert*.—Do you know whether Mr. Sheriff Thorpe is an Orangeman or not?—No, indeed I would not know an Orangeman if I saw him. I never heard that he was; I have asked the question myself and never could find the truth.

Do you recollect the making out the panel when the king's visit was expected in Dublin?—I do.

Was not there great solicitation to be put upon that grand jury?—So I understood.

Cannot you say whether you made out that panel or not?—I think I did not; I think whichever sheriff's quarter it was at that time, made it up.

Did not the grand jury expect that they should have to go up with an address to the king, and be received personally?—I believe that was the ground of the anxiety to be put upon it.

By Mr. *Nolan*.—When Mr. Archer gave the list to you, do you apprehend he seriously intended you should hand that list to the sheriff?—I think he never intended that I should adopt it.

The first application that was made to you to put some persons on the panel on Mr. O'Meara's account, was by your friend Mr. Butler?—It was.

Was the second application made to you by Mr. Butler also?—It was.

How long after the first application?—I think it might be about a week.

How long was that before the panel was sworn or summoned?—About a fortnight.

Was there any body by besides Mr. Butler and yourself?—No one. I said that sheriff Thorpe had taken upon himself to make out the panel, and therefore I could not do it.

Did not you assign a reason why sheriff Thorpe had taken upon himself to make out the panel?—I did not.

Might not you have said such a thing as this, that sheriff Thorpe had taken upon himself to make out the panel on account of the trial of the rioters?—It is perfectly possible I might; but I have no recollection of having said that.

You say you destroyed the list given you by Mr. Butler; how soon was that after he gave it you?—The distance I had to go from where I stood when he handed it to me to the desk, was not farther than from this to the table; on my way from that place to the table I tore the list.

You thought, of course, those persons were improper persons to be put upon the grand jury?—No, really I had no such thought.

Did not you think that any persons recommended by any gentleman for the purpose of throwing out a bill, were improper persons to be put upon the grand jury?—I thought that the putting them there would be an improper act; but I did not give myself any thought upon their propriety or impropriety.

Can you say whether those persons were, or not, on the grand jury impanelled by the sheriffs?—I cannot.

Did not it strike you that it would be desirable to keep that, to prevent such persons being put upon the panel?—No, it did not occur to me; but I now think from the questions put to me this evening, that would have been a better mode.

Are you to be the sub-sheriff for the next year?—I really believe yes.

Mr. Samuel Lamprey is one of the sheriffs elect?—Yes.

He is one of the gentlemen you have stated to be a sworn Orangeman?—As I have heard.

You are acquainted with the general description of persons who are put upon the panel to be sworn grand jurors?—I am.

Have you ever known Roman Catholics put upon that panel?—Certainly I have.

Were there any Roman Catholics upon this panel of fifty?—No, certainly not.

Did you know that there were any Orangemen upon it?—Certainly I did not, and certainly if I had, I would have advised the sheriff to have put them off.

What is Lamprey?—It has subsequently come to my knowledge that he is.

[The Witness was ordered to withdraw.]

Colonel *Barry* said, he now intended to call sir George Whiteford, the foreman of the grand jury. He knew that a grand juror was sworn not to disclose any thing which had come to his knowledge whilst in the execution of his duty, and he therefore would abstain from proposing any questions to the witness he was about to call, the answers to which would necessarily lead to a violation of his oath.

Mr. *Wetherell* protested against the principle laid down by the right hon. gentleman. The House of Commons had the power to absolve a grand juryman from his oath of secrecy, and could compel him to answer any question that might be proposed to him.

Mr. *R. Smith* said, he recollected many cases in which grand jurymen had been compelled to give evidence. There could be no doubt as to the power of the House to make a grand juryman answer all questions which he might be asked.

Mr. *Wetherell* said, the meaning of the oath was, that the grand jury should not voluntarily disclose the secrets of their room; but they were bound, and it was their duty, if ordered in a court of justice, or in that House, to disclose those secrets.

Mr. *Wynn* concurred entirely in the opinion which had been expressed by the two members who had last spoken; but at the same time, he hoped the question which had ben raised would not be decided without receiving further consideration, and in a fuller House. His reason for wishing this was, because he knew that many persons of very high authority held different opinions on the subject. During the inquiry respecting the Walcheren expedition, sir David Dundas was examined as to something that had passed in council. Sir David did not object to answer the questions which were put to him; but Mr. Perceval stated, that he could not do so without a breach of his oath, unless he had previously obtained the consent of the king. The question was not decided, because on the following day the king authorized sir David to declare all that had passed in council.

Mr. *Bankes* thought that the House could compel a grand juror to give any information that might be considered necessary.

Mr. *Hurst* contended, that the oath of a grand juryman was too strictly interpreted if it were supposed to restrain him from making known any thing which had come before him in the execution of his duty. It had frequently come under his own observation that grand jurymen, amongst whom a difference of opinion prevailed upon some point, had come into open court, and stated what had passed in the grand jury room, in order to obtain the opinion of the judge, as a rule for their conduct.

Colonel *Barry* observed, that grand jurymen had frequently given evidence of what had passed before them, in order to convict a witness of perjury.

Mr. *Goulburn* said, that an act of parliament had been passed expressly to allow grand jurors to give evidence in cases of perjury, "notwithstanding their oath of secrecy." If he were a grand juror, he would refuse, even at the call of the House, to state what had come to his knowledge whilst in the exercise of his functions. Some of the witnesses who were about to be examined at the bar might entertain similar feelings. The House would then, in justification to its own character, be called upon to punish men for what they conceived to be a conscientious adherence to their oaths. To avoid so unfortunate a circumstance, he would entreat hon. members to weigh well their questions.

Mr. *Abercromby* said, that the oaths which the grand jurymen took were intended for the benefit of the public. That being the case, why should they not be made subservient to the inquiry in which the House was engaged, which was also for the public benefit?

Mr. *Ricardo* thought it was preposterous to talk of the House absolving a man from a solemn obligation into which he had entered with his Maker.

Mr. *Bennet* was of opinion that justice could not be done unless the committee heard all that the grand jury could state.

Mr. *Sykes* said, the question was one of so delicate a nature, that it ought to be referred to the consideration of the whole House.

Mr. *Abercromby* suggested, that if it were thought necessary to refer to the decison of the House the question, whether or not a grand juror ought to be called upon to answer as to what passed in the jury room, and which he considered he was bound by his oath not to divulge, the best way would be to have a grand juror called in; and if he made any objection to state what passed, on the ground of his oath of secrecy, then the question would be raised on which the chairman might call for the decision of the House.

Sir *George Whiteford* called in; and examined

By Colonel *Barry*.—You were foreman of the grand jury in January last?—I was.

You recollect the circumstances which passed upon the informations preferred against certain persons, for a riot in the theatre of Dublin, on the 14th of December, which were preferred before the grand jury, of which you were foreman?—I do; I cannot exactly state every particular; being foreman, I did not take notes from the witnesses, but the secretary did take notes of the evidence.

Are you an Orangeman?—I am not.

Are you a man who hold very strong party feelings with respect to the questions which agitate the city of Dublin at this present moment?—I never conceived I did; quite the contrary.

Are you a man, who think that it would be for the benefit of Ireland, that general conciliation should take place between all its inhabitants?—It was always my wish, that the inhabitants of Dublin should live in peace with each other.

In the investigation which took place before the grand jury, what portion of time was devoted to the bills before alluded to?—I think we got the bills about two o'clock; we remained until five; and I think from ten o'clock or eleven o'clock, until about three or four the following day, in close investigation.

How long was it previous to, or subsequent to the riot at the theatre, that sheriff Thorpe requested you to be foreman of that grand jury?—I think it was nearly three weeks previous to the row at the theatre.

From what passed on that grand jury, did fair investigation seem to be the object?—I never saw a set of gentlemen more anxious to discharge their duty than they seemed to be.

Did you see any symptom of party feeling breaking out, with regard to any particular witnesses who were examined?—I did not.

If you had seen it, would you have thought it your duty to have checked it, as foreman?—I would have done so.

Did you hear a report of any conversation, in which sheriff Thorpe was supposed to have stated, that he had an Orange jury in his pocket?—I did.

Did any thing pass between you and sheriff Thorpe, upon that subject?—There did.

State what it was?—Previous to the jury, I heard that a man of the name of M'Connell, went before the privy council, and made affidavit, that sheriff Thorpe said, "he had an Orange panel in his pocket, that would acquit the prisoners." I went to sheriff Thorpe, and asked him, did he say such a thing; if he did, that he should get another foreman, that I would not identify myself in any party feeling; and he pledged his honour, that he never made use of such an expression; and in consequence I was induced to go on the jury.

By Mr. *Grattan*.—You dined at sheriff Smith's dinner, did you not?—I did.

Did sheriff Smith give the toast, "the glorious and immortal memory?"—I rather think not.

Was that toast given by any person at that dinner?—I believe not.

You did not take out an Orange handkerchief, and give that toast?—I did not.

By Mr. *S. Rice*.—Having served the office of sheriff, you are of course a Protestant?—I am.

And you hold in veneration the memory of king William?—Yes.

There has been for a great number of years, a custom of decorating the statue of king William?—I always saw it done.

There was a great diversity of opinion, as to a stop having been put to that ceremony?—There was.

You were one who thought that ceremony might as well not have been stopped?—Certainly, my feeling always was, that all kind of irritation should be avoided.

You thought that a wrong step had been taken by the authorities, in putting a stop to that ceremony?—I did not think it a judicious measure, in the way it was done.

You concurred, in blaming those that so stopped it?—I certainly thought it was not judicious.

Then you thought those persons who did so stop that ceremony, did act a part which they ought not to have acted?—I certainly expressed my feeling so far, that I thought it was a measure that was not calculated to create conciliation.

You expressed that feeling?—I am not quite sure, whether I expressed that feeling; but I certainly had that feeling on my mind.

Have you then any doubt in your mind, that in conversation with your friends and acquaintances, you did express feelings to that effect?—I dare say I did.

The riot which occurred at the theatre was occasioned by the irritation occasioned by the stopping that ceremony?—I should suppose so.

Can you state before this committee, that the slightest doubt exists in your mind, that that riot was created by that ceremony having been stopped?—I declare I cannot say; I should suppose it arose from the stopping of the dressing of the statue.

By Mr. *Jones*.—Were you one of those who expressed disapprobation against the authorities for stopping the decoration of the statue?—I never expressed any such thing.

Do you approve of measures that are not calculated to promote conciliation?—I approve of measures that are calculated to create conciliation.

Then you disapprove of measures that are not calculated to create conciliation?—Certainly.

You did not express disapprobation with those who stopped the ceremony of decorating the statue of king William?—I do not think I did.

What did you express then?—I think I expressed myself so far as this, that it was not calculated to create conciliation.

Did you approve the stopping the ceremony of decorating the statue of king William?—The feeling I had on my own mind was this, that where the thing was sanctioned by the government for so many years, it was ill calculated to stop it in the kind of way it was attempted.

Did you disapprove of that measure?—So far as that.

Did not the riot that took place at the theatre originate from a disapprobation of the stopping that ceremony?—I declare I cannot say.

Was it not matter of notoriety, that it did take place from that circumstance?—I believe it was generally mentioned through town.

Do you belong to the Amicable Society in Dublin?—I do.

What are the principles of that society?—Loyalty and attachment to the king and constitution.

Are there not many persons belonging to Orange lodges, belong to that society?—I cannot answer that, for I am not an Orangeman myself.

Do you know any Catholics belonging to it?—No.

Is not the toast, "The pious and immortal memory," constantly drunk at their dinner?—Always.

Are you acquainted with the Handwhiches?—No.

By Mr. *Abercromby*.—You were at Mr. Sheriff Thorpe's dinner?—I was.

There "The pious and immortal memory" was drank?—It was.

You joined of course?—Of course I did.

Do you think that is calculated to promote conciliation?—I cannot say.

Is it a toast calculated, under present circumstances, to allay irritation in Dublin?—I think, from the present feeling in Ireland, that it is not calculated.

By Mr. *Brougham*.—You were present at the dinner which sheriff Thorpe gave, on coming into office?—I was.

Were you present when the health of sheriff Thorpe was drank by the company?—I think I was.

Did you hear any part of that speech?—I do not think I did.

How far off were you from sheriff Thorpe at that time?—I was perhaps in the middle of the room at one of the side tables; it is an amazing large room.

Did you hear any persons, further off than yourself, applaud what sheriff Thorpe said?—It might be the case, but I cannot recollect.

Did sheriff Thorpe speak in a loud, or low tone of voice?—I did not hear him.

When sheriff Thorpe got up to speak, was there not silence in the room to hear him?—I should think there was.

Did you turn your ears towards him?—The room is so large, that if I paid ever so great attention, I do not think I should hear him from where I was.

Do you recollect the room, generally speaking, being attentive to sheriff Thorpe, when he made that speech?—I believe they were, but there is generally such a noise, and such a buzzing, that unless the person speaks very loud, he is not heard. When gentlemen get a little wine, they get sometimes a little out of order.

In what position did sheriff Thorpe speak, was he standing upon the floor or a chair?—If he spoke at all, he stood on the floor.

Have you any doubt whether he spoke?—I am sure he did speak.

Have you any recollection of where sheriff Thorpe stood?—At the head of his own table, on the floor I should think.

Do you recollect hearing him speak at all?—I do not.

By Mr. *Twiss*.—Do you not remember any motion to have been made, tending to the censure of the government, on which an amendment was moved by a person of the name of Poole?—I was not present.

By Mr. *Plunkett*.—You have said, that you think the measures as to the preventing the dressing the statue were not judicious, that they were not calculated to produce conciliation?—I have said, that after being countenanced by the government for so many years, I thought a sudden measure was ill calculated for conciliation.

Do not you think, that persons who are of that opinion, have a right to express it publickly, and that it is a fair thing for them to do it?—Certainly, very fair.

Do not you think they have a right to do so, in a public theatre or any other place?—I think they have a right to express their feelings, but not to disturb the peace.

That they would have no right to assault the person, either of the lord lieutenant, or of any other person?—Certainly not.

But they would have a right to express their disapprobation of those measures at the theatre, is not that your opinion?—My opinion is, that, as far as my own feeling would go, there should be no offence, in any kind of way, offered to the representative of his majesty.

Do you think it would be right to punish any person for merely expressing his disapprobation of those measures at a public theatre, or any other place?—My opinion is, that, unless he was hostile, and showed great hostility for merely disapprobation, hissing or hooting, my opinion is, that they are privileged to do that at a theatre.

Do not you think it would be an unjust thing to punish persons for merely agreeing before hand to go to the theatre, merely for the purpose of hissing or groaning, if they thought a measure injudicious?—My own opinion is, that they ought not to be punished for merely hissing and groaning.

By Mr. *R. Smith.*—During your shrievalty, what was your course for forming the panels for commission grand juries?—I always formed the panel, and I inclosed it to my brother sheriff for his concurrence.

Did you yourself select the names?—I selected the names myself from the grand panel.

Not your under-sheriff?—Sometimes he did; and sometimes I have done it myself.

What is the general course?—The general course is, for the sheriff to write out his own panel, and submit it to his brother sheriff, and then for it to go to the sheriff's office, to have it engrossed.

Did you yourself go to select the names from the book, or was a list handed to you from the office, for your approbation?—Sometimes I made out the list myself, and sometimes I desired the under-sheriff to make out a list; and I submitted that list to my brother sheriff, and then we got it engrossed.

By Mr. *Brougham.*—Are you to be understood to state, that the general course is, for the sheriff himself always to select the jury?—It is. The sheriff writes out his list from the grand panel, and he submits that to his brother sheriff; he encloses it to me, he sends it back, or we both go to the Sheriff's office, and agree on the panel; and then we get it ingrossed by the under-sheriff's clerk.

Then the general course in that office is, that one sheriff selects from the grand panel, and submits to his brother sheriff, and they agree together upon the panel, and then send it back to the sub-sheriff?—The sheriffs take it quarter about; in his quarter he makes out his panel.

You are understood to say, that the common course of that office is, that one sheriff selects from the grand panel, and submits these selected names to his brother sheriff, for his approbation; and that then the two agreeing upon the names, they are sent back to the sub-sheriff?—That is the course that I adopted during my quarter.

Is that the usual course in the Sheriff's office?—I should think it is.

Do you know of that course ever having been adopted in any one case, except when you were sheriff yourself?—I do not; for I had no assistance to guide me in the office.

Then you do not know that that is the usual course?—I do not.

Then what you mean by the usual course of the office is, (is it not?) the course of the office while you yourself were sheriff?—I know nothing about the course of the Sheriff's office, beyond my own year of office.

And you did not then select?—I made my observations on the panel. He made out a general list for my approval. There never was a jury struck that was not submitted to my inspection; I took it to my brother sheriff, and we then agreed upon the panel, and had the summonses sent out. I do not think I ever made any list but from the grand panel.

Do you think that the stopping the dressing of the statue was a measure likely to produce irritation?—I think it was. I think the dressing it also a measure of irritation.

By a *Member.*—Was the grand jury, in 1823, composed of a less respectable class of individuals than you had formerly known serve as a grand jury?—I think I never served on a jury with more respectable gentlemen than the grand jury in 1823.

Do not you believe that the course which you pursued in striking the panel, was the usual course with sheriffs in striking a panel?—I should suppose it was. It was the course I adopted myself.

Are you not one of that party, in Dublin, who wish to see the dressing of the statue die a natural death?—Certainly.

Did you make any objection to the undressing of the statue?—No.

Have you ever heard, that the lord lieutenant himself used to parade round the statue of king William, on the 4th of November, in Dublin?—I have.

Have you heard, that the garrison of Dublin used to fire round the statue of king William, on the 4th of November?—I have.

Are such things observed now?—No.

Then, the honours offered to this monarch, are much on the decline?—I think so.

How often was the statue dressed subsequent to the departure of his majesty from Ireland, and previous to the prohibition on the part of the lord mayor?—I think, shortly after the departure of the king.

How often?—I do not recollect.

Did it not continue to be dressed until the lord mayor put a stop to it in November last?—It did.

Did you ever hear, that any application was made to the lord-lieutenant, stating the apprehensions of many of the inhabitants of College-green, from the riots occasioned by the dressing of the statue?—I did.

Mr. *John Twycross* called in; and examined

By Colonel *Barry.*—What is your situation in life?—Jeweller and silversmith and goldsmith of Dublin.

You served upon the grand jury last January?—I did.

Are you an Orangeman?—I am not.

Are you a supporter of what is called Catholic Emancipation?—I should be very happy if it took place to-morrow, if there was security given from any inroads on our constitution in church and state.

In the course of the transactions on the grand jury, were there any circumstances that led you to think that there was any partiality shown as to the subject matter that was brought before them?—Not in the least.

Did it appear to you, that there was an

anxious wish, conscientiously to discharge the functions of grand-jurymen?—Most particularly so by every individual.

Was it by a patient investigation of all the facts that were brought before you?—A most patient and most careful investigation of all the facts.

Was there any thing in the conduct of that grand jury which induced a conviction in your mind, that they harboured any degree of partiality on the subject matter submitted to them?—I have not the least doubt there was no partiality shown whatever, but every attention shown to every witness.

Was the finding of the bills according to the unanimous decision of the jury?—Most unanimous; we so declared in open court.

Mr. *Joseph Henry Moore* called in; and examined

By Colonel *Barry*.—What is your situation?—A stock broker and agent to an insurance company in Dublin.

Have you been in the habit of serving on Dublin grand juries?—Since 1817 I have.

You were employed by the grand jury to take notes upon the late occasion?—I took notes as well as others of the grand jury, memorandums of the heads of evidence.

Are you in any way connected with any Orange institution?—Not any, nor never was.

Are you competent to answer to such things as passed upon that grand jury?—I have taken an oath of secrecy.

You know the facts?—I am perfectly aware of the facts from having acted in a measure for the foreman.

[The witness was ordered to withdraw, and a conversation ensued, in which Mr. S. Rice, Colonel Barry, Mr. Bankes, and sir J. Newport participated, on the propriety of taking any part of the evidence of this witness, until the question was decided, whether he should be obliged to answer to matters to which the witness might conceive himself bound by his oath of secrecy. The witness was then ordered to be called in.]

By Colonel *Barry*.—Did you attend to the proceedings of the grand jury with great attention?—Most attentively.

Did it appear that it was the intention of the grand jury, fairly, honourably and impartially to investigate the subject matter submitted to them?—Most decidedly.

Did you see any instance of any witness being brow-beat or attempted to be forced out of the room during his giving evidence?—Certainly not.

How long did you occupy in considering those bills?—Until five o'clock on the first day, when the court sent up to us to know if we had decided. I returned for answer to, I believe, Mr. Riky, that we had not decided; that we should remain there and examine all the witnesses, if it pleased the court, or adjourn, as the court should direct.

Were there a great number of fresh witnesses sworn and sent up to you the second day?—There were.

Do you remember how many witnesses altogether were examined before the grand jury?—There were 27 I think.

Was any impediment offered to any witness giving his testimony before the grand jury?—Certainly not; the foreman protected them in every way.

Were the witnesses fully examined to every point which they appeared ready to bear witness to?—The usual routine questions of grand jurors were put to them.

By Mr. *Jones*.—You state that the witnesses were protected by the foreman; did any of the grand jury then conduct themselves towards those witnesses in such a manner as to require protection?—Certainly not; in a multitude of people there may be a multitude of questions.

Was not there a person examined who offered evidence as to the person of one of the rioters, which evidence he was not suffered to give, because he did not know the person of the rioter at the time of the riot having been committed?—That is a secret of the jury, I apprehend. [The witness was ordered to withdraw.]

Mr. *Calvert* said, he thought the understanding was, that they were not to continue the examination after the witness had objected to answer the question.

Mr. *S. Rice* considered the partial testimony given ought not to stand on the minutes.

Mr. *Brougham* said, there could be no doubt that to any fact which occurred previously to the witness being sworn as a grand juryman, or after the grand jury were discharged, he might be examined; but to an examination relative to what passed in the jury-room, he was not prepared to be a consenting party, unless a precedent could be shown for absolving the witness from his oath. In the case of admiral Byng (which he always considered as a murder)—on that infamous transaction, a bill was brought in, which passed that House, for absolving the members of the court-martial from the obligation of their oaths. It was therefore the solemn opinion of the House at that period, that an act of the legislature was necessary. But there was also the act of the 56th of the late king, for regulating grand juries, which dealt with this very matter. In that act, after directing that depositions taken before justices of the peace shall be laid before the grand jury, it is enacted, that if upon the examination of witnesses it should appear to the grand jury that the witnesses have sworn falsely, they may report the same to the court; and in case the court should, therefore, order a bill of indictment for perjury to be preferred, it should be competent for any of the grand jurors to give evidence on the trial of such indictment, notwithstanding the oath taken by him as a grand juror. Now, the mere enactment of the statute or question was an admission that the legislature thought that a specific act was necessary to absolve a member of a grand jury from his oath. The case of admiral Byng ran upon all-fours with the present case, it was a regular proceeding before the House of Commons. He begged, however, to guard himself against being taken to declare, that even if courts of justice were without power to absolve a grand juror from his oath, that therefore the House of Commons (whose authority was paramount to all courts of justice) could not give that dispensation without an act sanctioned by the other House of parliament, and by the Crown. He was far from intending to make any such assertion as that; because he could suppose the case of the House of Commons proceeding against a minister of the Crown, or against a member of the upper House; and being refused assistance either by the Crown or by the House of Peers. He by no means, therefore, contended, that an act of parliament was absolutely necessary to the object in question; but he thought that enough had appeared before the committee to induce it to pause, and to deliberate seriously upon the point. Perhaps it would be better, for the present, to conclude the proceeding and adjourn.

Mr. *Abercromby* had no objection to an adjournment, but could not help wishing that the question had been mooted upon the evidence of the first witness. He thought, as far as he could give an opinion upon the sudden, that the House had power to dispense with the oath, and compel the witness to give his evidence.

Mr. *Wynn* believed that the power of dispensation, as regarded the oaths of grand jurymen, had existed in courts of justice prior to the 56th of the late king.

Sir *J. Newport* said, that the 56th of the late king was meant to declare what the law was, and not to make a new law. With that avowed view, it had been introduced. It was to correct an irregularity that existed in the Irish practice of the law, and to place it upon the same footing with the practice in England.

Mr. *Brougham* thought the statute enacting, and not declaratory. At the same time he thought that the committee ought to take the sense of the House upon the point.

Mr. *Wetherell* thought that the oath of a grand juryman might be dispensed with by the power of a court of justice, and had not the smallest doubt that the 56th of the late king was declaratory. The case of admiral Byng stood upon other ground. The House of Commons, in that case, were not acting in the capacity of a court of justice.

The House resumed: The chairman reported progress, and obtained leave to sit again.

HOUSE OF COMMONS.

Thursday, May 8.

PETITION OF RICHARD CARLILE COMPLAINING OF THE SEIZURE OF HIS PROPERTY.] Mr. *Hume* presented a petition from Richard Carlile, a prisoner in Dorchester gaol, praying the House to consider the hardship to which he had been put. The treatment which Mr. Carlile had received was novel in its nature. There were strong prejudices against Carlile, which he regarded as being wholly without foundation. The fact was, that Carlile was, previously to the distresses in 1816, a very respectable mechanic. Those distresses had so reduced him in his circumstances, that he was forced to become a hawker of pamphlets; and at the time of lord Sidmouth's circular he had been employed under Sherwin, who published a Political Register. But, up to this day he would say, that Mr. Carlile was one of the best moral characters in England [hear!]. Notwithstanding that "hear!" he would persist in his opinion. Mr. Carlile's religious opinion might differ from that of some other persons; but that did not affect his moral character; and he would dare any one to contradict him when he said, that as a husband, as a father, as head of a family, and as a neighbour, Mr. Carlile might challenge calumny itself. Now, what had those by whom this man had been persecuted made of it? Why, it appeared that the circulation of the books had been prodigiously increased by the measures which had been adopted for the purpose of suppressing them. Previous to Mr. Carlile's first trial, he had published an edition of Paine's religious works, and though 250 copies of that edition were subscribed for by the trade before it was published, still the sale was very limited till the trials began; but, in the course of those trials the sale of that, and of all Mr. Carlile's other publications had been encreased to 13,000 copies. If this was the way in which the sale of works, supposed to be hostile to religion was to be diminished, it was, he would say, a very strange way. But why be so scrupulous about those works? Were the principles of religion not to be explained? Was there not to be a freedom of opinion on that very subject upon which men had the greatest personal grounds for having themselves well informed? The course which had been taken with respect to Mr. Carlile in the court of King's-bench was such as entitled him to complain. Upon the ground that the judge could not hear the Christian religion questioned by a defendant, he had been debarred of that full hearing which was his right as an English subject. The petitioner also complained of the interruption given by the court to his defence, and of the oppressive sentence passed upon him of three years imprisonment, and 1,500*l.* fine, and also of the still more oppressive execution of a *levari facias*, which took away from him all power of paying the fine, and subjected him, in default thereof, to continual imprisonment. A course so arbitrary was more worthy of the Inquisition than an English tribunal; and the only effect of such proceedings would be, to awaken a spirit of enthusiasm among the lower orders, and prepare the minds of hundreds among them for a new species of martyrdom. His own opinion was, that if the devil were put on his trial, he ought to be fairly heard, and receive no more than his due proportion of punishment. He begged the law officers of the Crown to pay particular attention to the fact, that the prosecution of this person had caused an unprecedented diffusion of the works, for the publishing of which he had been prosecuted.

The *Solicitor General*, in answer to the remark of the hon. gentleman, as to the interruption of the defence, begged leave to remind the House of the course taken by the petitioner. He had occupied from eight to ten hours of three successive days in his defence, after which he was convicted. He had a motion in term to set aside the verdict, which he argued for several hours. The member for Nottingham had moved in arrest of judgment in a speech of considerable length, after which the petitioner was heard for a still longer time in mitigation of punishment. Thus much for the conduct of the trial. The petitioner, after these various proceedings, had boasted that he would continue to publish the same works—that his wife was willing to become a martyr in this cause—that if she should be prosecuted, convicted, and imprisoned, he had a sister who would take her place, and encounter the same perils—and that if the same fate should overtake his sister, there were hundreds willing to run the same risks over and over again. How well he had kept his word the House would judge, when they should learn that his wife and sister and others of his agents, had been convicted and were now in prison for the offences, and that at this moment a prosecution was pending against another of his agents on the same account. As to the *levari facias*, the whole proceeding was according to the usual course of law. If not, Mr. Carlile had only to move the court, and the writ would have been stayed. As to his inability to pay the fine, by the statement just made by the hon. member, it appeared that Mr. Carlile had sold 15,000 copies of the work in question, at half-a-guinea each. So that, by the admission of the petitioner, the prosecution must have put much more money into his pocket than the fine levied upon him.

Mr. *Lennard* considered the sentence passed on Mr. Carlile as one of unconstitutional severity. That severity he looked upon as one of the signs of the times. It appeared to him that the supporters of the six acts having failed in their efforts to procure the punishment of perpetual banishment, had contrived, through the agency of the judges, to supply that deficiency by sentences which amounted to perpetual imprisonment.

Mr. *Hume* accounted for the inability of Mr. Carlile to pay the fine, by the fact that he had invested the profits of his former sale, in the expense of the works which were seized under the levy.

Mr. *Denman* observed, that the proceedings in the case before the House proved that irreligion could also produce its martyrs. Such were the effects of that re-action which the operation of the joint-stock purse of the self-called "Constitutional Association" had produced. He understood that the funds of that purse were exhausted, never, he trusted, to be replenished. The punishment he considered to be excessive. Had the judges been aware of the inability of Mr. Carlile to pay the fine, at the time judgment was passed, he was sure they never would have passed it. He trusted, therefore, that the government would interfere and modify it to the actual circumstances of the petitioner.

Mr. Secretary *Peel* said, it was admitted that the prosecutions had caused so extensive a sale of the libellous books, that the petitioner must have been fully enabled to pay the fine. But Mr. Carlile was not in prison merely for the non-payment of the fine; he was also called upon for recognizances for his good behaviour. He had, however, continued, according to his promise, up to the latest minute, to publish the offensive books. He did not wish to press the circumstance against him; but certainly it formed a good ground for using precaution as to the persons who were prepared to become bound for him. As the margin of the petition contained the titles of all the offensive books sold by the petitioner, if the House should print it, they would give a publicity to them which it was, on all accounts, desirable to avoid.

The petition was ordered to lie on the table.

Breach of Privilege—Complaint against "The British Press."] Colonel *Barry* rose for the purpose of calling the attention of the House to an article in a newspaper respecting the pending inquiry into the conduct of the sheriff of Dublin. He felt reluctant to propose the bringing a printer to the bar of that House; but the object of the paragraph to which he alluded was so obviously to impede the course of public justice, that he felt obliged to notice it. The obscurity of the paper in which it was contained might have induced him to pass it by in silence, were not its wickedness and falsehood such as to make it unfit that, even upon the limited number of the readers of that paper, such an impression should be suffered to remain. He then proceeded to read an article from "The British Press," animadverting upon the conduct and character of the Orange party in Ireland, and commenting upon the evidence given at the bar of the House. The hon. member proceeded to read a precedent from the Journals of the House, where a prosecution by the attorney-general had been ordered during the inquiry on sir E. Impey's case, in 1788. That course it was not his intention to pursue, but he still thought he should not be doing justice to those persons whose character it was the object of the writer of the paragraph to blacken, unless some notice was taken of it. He should now therefore move that the printer of "The British Press," do attend that House to-morrow.

Sir *M. W. Ridley* thought, that as the paragraph read by the hon. gentleman did not contain any reflection upon the character of any member of the House, although its insinuations were injurious to the characters of others, enough had been done in the notice which had been already taken of it. As those individuals, who, some how or other, obtained a knowledge of the proceedings of the House, had in general abstained from commenting upon the inquiry, he would suggest to the hon. gentleman the expediency of withdrawing his motion.

Colonel *Barry* had no objection to adopt the course recommended, if the House were of opinion that the article which he had read was an instance of gross injustice. He did not wish to bring the House in collision with those people. "But unless something be done," said the hon. member, "the press will become our masters, instead of we being theirs."

Mr. *Wynn* said, that witnesses and even culprits charged in that House were under its protection. He, however, thought, in the present instance, that sufficient had been done to prevent a repetition of the offence.

Mr. *Abercromby* observed, that if the newspapers refrained from making any comments upon the inquiry now in progress, they would be better employed. With respect to the article just read, he had no hesitation in saying, that it was a highly-coloured statement. He was, however, happy to have that opportunity of stating, that since he had become a member of that House, there was no instance in which he had received such a multiplicity of newspapers, pamphlets, and other writings, all coming from the other side, and containing statements that were most exaggerated with respect to the conduct of the attorney general for Ireland. He requested the hon. member to consider, whether, under all the circumstances, it would be advisable to engage the House in a contest, which it was not probable that they could speedily get rid of. There were other publications which contained statements fully as bad on the opposite side.

Mr. Secretary *Peel* said, he would advise his hon. friend not to proceed further. Much consideration was certainly due to his wounded feelings, but he should recollect that his character was proof against any attack of the kind. When the liberty of the press was so abused, its licentiousness became its own correction; for it was the natural consequence of gross and disgraceful exaggerations to lessen the credit of the source from which they proceeded.

The motion was then withdrawn.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a committee to inquire into the Conduct of the Sheriff of Dublin, sir R. Heron in the chair,

Mr. *Joseph Henry Moore* was called in; and further examined

By Mr. *Jones*.—Was there not a person examined, who offered evidence as to the person of one of the rioters, which evidence he was not suffered to give, because he did not know the person of the rioter at the time of the riot having been committed?—No such thing took place.

Was there a man of the name of Ryan examined before the grand jury?—[The witness was ordered to withdraw.]

Mr. *Plunkett* said, that before the committee proceeded to examine the witness on points involving the performance of his duty as a member of a grand jury, they ought to decide the general principle of the capability of dispensing with the obligation of his oath of secrecy. A grand juryman was sworn not to divulge the counsel of the king, or of himself or fellows. The examination now about to be entered upon might put a grand juryman in a situation at variance with that oath. As to the power of absolving the witness from such obligation, he would express no opinion, but would leave it for the committee to determine.

Mr. *Wynn* maintained that the House was entitled, in the discharge of its highest functions, to call on grand jurors to answer such questions as might be deemed necessary. This had been decided in the case of sir John Fenwick. Sir John had absconded, in consequence of a serious charge that had been brought against him; and the House could not proceed to his expulsion, until proof of that charge was laid before them. For that purpose it was found necessary to examine some of the grand jury before whom the bill of indictment had been preferred. He insisted that the case of admiral Byng, which had been adduced on the opposite side, was not relevant, and that the act of parliament for regulating the proceedings of Irish grand juries, did not oppose any obstacle to the inquiry.

Mr. *Abercromby* stated it to be the opinion of Mr. Fox, that when the House acted in the capacity of a court of inquiry its powers ought to be as large as possible. He then went into an explanation of the act for the regulation of the proceedings of Irish grand juries, which bill did not relate to *viva voce* examinations, but to indictments found upon written depositions. He contended, that neither the bill as drawn up by Mr. Horner, nor a particular proviso which had been added to it, went against the right of the House to dispense with the obligation of a grand juror's oath, for the purposes of public justice. An inquiry of this kind was for the benefit of the public at large, and the committee had a right to call before them every person who could give them information, and oblige them to answer fully and entirely.

Mr. Secretary *Peel* said, the present was a question of very great difficulty. No man felt more strongly than he did the necessity of granting to the House the most extensive power for carrying on an inquiry of this description, and no man was more ready to admit that they were not, in their proceedings, to abide by the rules of a court of justice. There was, he conceived, only one case to which their authority did not apply, and that was the present case precisely, which was one of conscience. First of all, they placed individuals in a situation in which they were compelled to do certain acts. The grand jurors were obliged to take an oath, "not to divulge their own counsel, the king's counsel, or the counsel of their fellows," and then the House turned round and demanded of them to violate that oath. Was there, he would ask, any power in that House to release men from so solemn an obligation? Or, if there were, was it prudent, when the force of such an obligation depended altogether on conscientious feelings, to compel men to act in contradiction to those feelings? Might not the members of the grand jury appeal, on this subject, to a higher authority than that of the House of Commons? Might they not appeal to the authority of the whole legislature? In 1819, that House was party to an act having for its object the regulation of Irish grand juries. Gentlemen knew that the grand juries of Ireland had two distinct functions to perform—those of finding bills, and of money presentments. By the act of 1819, grand juries were allowed to divulge matters relating to presentments; but the other part of their oath, with reference to the concealment of evidence given on bills of indictment, remained binding on them. This plainly showed the light in which the legislature viewed the subject. Every grand juror swore to conceal the evidence given before him, "So help him God," or, in other words, he said, "may the divine protection be withheld from me, if I disclose what is stated in evidence." Could that House compel him to divulge that which he had thus impressively sworn to conceal? Suppose the House thought they could do so, and the individual answered "I know not what your construction may be, I feel myself bound by the oath which I have taken, and no interpretation of others shall induce me to violate it," suppose the witness made such an answer, would the House commit him? In that case, the conscientious observer of an oath would be committed, because he entertained a religious abhorrence of its violation. A committal on such a ground, would be the worst exercise of that power which belonged to the House in cases of ordinary contumacy, and he doubted very much its policy. If they were not prepared to commit a witness who was convinced that no power on earth could relieve him from the sanction of an oath, then they ought to consider whether they must not leave it to the witnesses whom they called, to determine whether they would answer or not. There could be no other alternative, and the House ought to pause before it placed itself in that situation.

Sir *J. Mackintosh* said, the question was, properly, whether an individual could be absolved from the sanction of an oath annexed to civil services of state, or the pure administration of justice, where the service was not for his own advantage, but was a duty imposed upon him. The right hon. gentleman opposite denied that any human authority could dispense with the obligation. He did not recollect any instance of such a doctrine having been laid down, even in papal times, when the church in the name of religion, but frequently to its abuse, imposed laws, and assumed the direction of all the affairs of society. When religion lent its sanction to civil offices, and enforced the obligations imposed by magistrates and the law, all the theologians casuists and moralists with whom he was acquainted, agreed that so soon as the competent authority which imposed the obligation thought proper to dissolve it, the influence of religion ceased with the existence of that obligation which it was called in to enforce. If that were not the true doctrine, what must be the consequence with respect to the oath of allegiance? The people of this country took the oath of allegiance to James 2nd, and afterwards to William and Mary. The latter oath was, of course, a positive repeal of the former; but, were they on that account to accuse the people of England with having committed gross perjury? No; the oath of allegiance was but a promissory oath, from which a man might be relieved under extraordinary circumstances. No man could be relieved from an oath of testimony; because that was direct and immediate, and could not, therefore, be applicable to this case; but the oath of allegiance being promissory, was not binding longer than the original duty of allegiance. What was to be said of oaths which the clergy of England had broken, with regard to the see of Rome? Were the statutes of the Reformation founded in perjury? Were Cranmer and Tillotson, and other great divines liable to such an imputation? Were the founders of our mode of religion at the Reformation, and its protectors at the Revolution, grossly ignorant of the sanctions of religion and the obligations of law? He would not weary the House by going into the argument of the marriage oath; but he might be permitted to say, that that was another instance in which the sanction of religion was added to civil duties, and ceased as soon as the temporal obligation was dissolved by law. As to the manner in which the House was bound to treat witnesses who had religious scruples, that was a question of tenderness to conscientious feelings, and was very different from the question of the right of the witness to refuse to answer. It was not incompatible with the maintenance of the power of the

House to be tender to the religious impressions of individuals. No one would deny that the state had a right to exact oaths from the society called Quakers, as well as from all other subjects, but it was equally true, that it was wise and becoming to consult their conscientious scruples, and relieve them from an oath. It was his opinion, that if any juryman called to their bar should conceive that his oath was not to be dispensed with, he ought not to be examined; for he thought no witness ought to be questioned who was not content to be thoroughly examined.

Mr. *Wetherell* entirely concurred in the opinion, that no court ought, on light grounds, to interfere with the scruples of religious persons, in the construction of an obligation. But, what was the case here? Let them not confound in one common sense, civil and religious obligations. What was the nature of the oath in this case? It was strictly an obligation for the performance of a civil duty: it had, certainly, from its nature, two aspects—one a religious, the other a civil obligation: but, in what sense did the religious part become involved? Why, to give effect to and to enforce the civil. It was, in fact, a pledge *coram Deo*, that the civil duty should be duly discharged. The true construction of such an oath, then, was that which aided the civil obligation. What was the principle which governed the construction of an oath? Some principle was actually necessary; for otherwise, as there were two parties —the one imposing the oath, and the other contracting it—they might clash with each other in their respective construction of the obligation. The principle long established was this—that the oath should be construed in the sense of the party administering it, and according to the terms he imposed. The hon. and learned gentleman then quoted Dr. Paley in illustration of this principle, that, as the oath was intended for the security of the party imposing it, it ought to be taken according to his avowed construction. With respect to the application of this principle to the particular case, if he were to hazard an opinion—for he would not venture to go further—he almost felt disposed to say, that the oath of secrecy of a grand juror was only intended to operate until the party was put upon his trial; for then, of necessity, the information previously given became public, and the motive for secrecy no longer existed. Writers, he knew, were obscure upon the subject, and he would only venture to hazard an opinion. In application of the principle which he had already stated, he would ask, by whom, and for whose benefit, was the oath of a grand juror administered?—by the state, and in furtherance of the purposes of justice. Was it not lawful, therefore, for the state to say—" We, who administer the oath, release you who took it from the obligation it imposed." Why? Because the purposes of justice, which rendered that oath necessary, now require that you should, in the particular instance, be released from the secrecy which it imposed. If parliament had not the power of conferring this release, what an absurdity to have given them the right of entering into an unlimited power of inquiry! If the oath were inexpiable, then their inquisitorial power could at any time, where a grand juror was concerned, be stopped by what was called a scruple of conscience. The indissolubility of this oath, and the privileges of parliament, could not exist together. And, could the legislature have ever meant, or contemplated, that they should come in contact? The only question, then, respecting this oath, was, *quis imposuit, et quo animo?* His answer was, the state imposed the oath, and the *quo animo* was in furtherance of justice. The oath, then, must be considered with reference to its real purpose, and the state which regulated that oath must have reserved to itself the power of removing the bond of secrecy when the interests of justice required further information. But then he might be told that a severe religionist might say, " My scruples are so strong, that I must have an act of parliament to exonerate me." To such a man he would reply, " How will an act of parliament remove your scruples? If they are sincere, you will stand just the same, as regards your conscience, after the act of parliament as you do before?" Let those who were severe religionists remember the university oaths which they took, and the manner in which they qualified that taking. Why, in the university of Oxford, of which the right hon. secretary was so able a representative, nine-tenths of the gowns-and-caps-men who walked about that city talking English, and who stayed out of bed after nine o'clock every evening, were in the daily habit of committing perjury, if this extreme construction of an oath were to be maintained. They had sworn to talk in the Latin language, and to go to bed at nine o'clock every night. But, how did they reconcile this conduct to the oath they had taken? They did it in this manner:—they said that the progress of time had altered the character of the hour of the night, and that if the founder who had imposed the obligation were now alive, he would alter the hour to meet the custom of modern times. Indeed, he recollected that there was one statute which enjoined, that no higher price than two-pence a pound should be paid for mutton used in a particular college. But, were those persons who finding it impracticable to obtain mutton at that price, bought it at a greater, to be taunted with perjury?—Although this particular case had never yet been solemnly decided, yet analogous cases had been so. There was the case of sir John Fenwick, which was strictly applicable. With respect to the case of admiral Byng, the oath of the members of a naval court-martial bound them to secrecy, unless they should be released by act of parliament. As to the privy counsellor's oath, it was not necessary to consider it, but the cases were not exactly analogous, because in the case of the privy counsellor, the authority imposing the oath was the Crown. Upon the whole, the best consideration which he had been able to give to the subject, confirmed the conviction which he yesterday entertained, that what it was proposed to do, was no excess of power.

Mr. *Bright* contended, that upon a question of such vital importance as this, it was incumbent upon the House to exercise its undoubted privilege of obtaining the utmost information, and he appealed to the highest authority in that House to declare whether their privileges would not be affected, if they were compelled to stop here. Let the House see the state in which they would be placed. The acquittal of this sheriff would follow, not upon the merits of the case, but upon the absolute impossibility of their obtaining the information necessary for the ends of justice.

Mr. *Baring* said, that however important this case was, the House were bound to take care that the more important interests of the community were not made subservient to its convenience. The question really was, was the grand juror's oath an unqualified obligation, or was it not? If, as he maintained, it was, then that House had no power to interpose. What had college statutes, about talking Latin, early hours, and the price of mutton, to do with such a subject, and what was the tendency of introducing them, but to weaken the obligation of an oath where it ought to be most seriously impressed? But it was said the state imposed the oath, and the state was now interested in the disclosure. Was the state the only party interested in a grand juror's oath? Was there not a third party more importantly concerned—the individual against whom the evidence was given, who might not be tried, or if tried, might possibly be acquitted? Surely such an individual ought not to have the *ex parte* evidence given before the grand jury lightly promulgated against him. He was not disposed to treat in so qualified a manner so serious an obligation.

Mr. *Denman* argued that this was a proper case for calling upon a grand juror to give his testimony at the bar. The case of James 2nd, who had broken his compact with the people and the government, furnished an instance in which subjects might be said not so much to have been absolved from their oath of allegiance, as that that oath no longer applied to them. If so much stress was to be laid upon the doctrine, that in no possible case was a grand juror to be freed from the obligation of his oath, let the House observe what mischievous consequences might follow: a man might prefer a bill against another before a grand jury, fraudulently and maliciously, upon his oath; and when that bill should come on to be tried before a petty jury, he might swear precisely contrary to the tenor of his former oath; and a grand juror, happening to be present, would be prevented from at once demonstrating the perjury of such a witness, and the innocence of the accused, because he was to be held bound not to divulge what had taken place before him. The hon. and learned gentleman then proceeded to show, on the authority of lord Somers, that the oath of a grand juror "not to disclose the king's counsels, his fellows, or his own," was intended for the security of the rights, lives, and property of the king's subjects, and could by no means be construed to prevent a grand juror from giving his evidence in aid of justice. He concluded by expressing his concurrence with the hon. member for Bristol, that it was impossible to condemn the party before the House, unless the House gave him the benefit of every evidence that could be properly resorted to.

Mr. *Canning* could not at all agree with those who considered that the oath taken by grand jurors by no means strictly connected itself in their minds with the business before the grand jury. He did believe that they who took the oath to keep secret the king's counsels, their own, and their fellows', imagined that they were solemnly pledging themselves to keep secret what might pass amongst and before them, on the subject of such bills as were brought under their consideration. If this was an erroneous view of the character of the oath, it would rather be a ground for a new legislative enactment, than for the course which had been proposed on the present occasion. The practical question to be decided by the House was, whether the proposed mode of inquiry was to be proceeded in? This question, in his view of it, involved two most material points; first, as to the authority possessed by the House of enforcing such a course of examination; and secondly, as to the discretion which they ought to use in carrying that authority into execution. Now, as to the power of the House to enforce such a mode of inquiry in cases of emergency, certainly no one could deny it. But, unless in cases of great emergency, he thought even the discussion of that right a matter pregnant with much danger. It was a question which, on every ground, ought not to be debated, except when a case arose that rendered its agitation necessary. The present was not a case of that kind; and the case put by the hon. and learned gentleman opposite was of little importance in its bearing upon it. The House need hardly consider in what way it would be disposed to exercise its discretion upon the matter before them, if it was not called upon to do so under existing circumstances. It seemed to be admitted on all hands, that a refusal by a party who had taken the oath of a grand juror to answer certain questions that might be put to him in the course of this inquiry, would not constitute, whether arising from purely conscientious, or merely discretionary motives, such a case as should call upon the House for the exercise of its extreme severity in sending the witness from their bar to Newgate. He called upon hon. gentlemen, therefore, to consider whether they would exercise their authority in this instance; for he could not see the possible advantage of their saying, beforehand, as it were, "If you don't answer such and such questions, that will not be a case in which we shall exercise our privileges." This had been put as a case for a tender conscience; but, was it not perfectly clear, that the persons most likely to take advantage of such a declaration were those whose consciences were of another character? The right hon. gentleman, after arguing to show the inexpediency of discussing abstractedly a very nice and difficult question, observed, that if the matter was pressed to a division, he should vote against any inquiry of the sort proposed. He then deprecated the course which an hon. and learned friend of his had pursued, in resorting, upon the question of an oath, to ridiculous comparisons, such as had been attempted to be instituted between the solemn oath of a grand juror, and those obsolete and formal oaths which gentlemen were in the habit of taking at the university, and violating without offence, or scruple, or remorse. An oath of this more grave and serious nature, was, after all, the last resort of good faith among men; and it was unwise, and more than improper, to treat it in any way that might derogate from its sanctity.

Mr. *Wetherell*, in explanation, begged that he might not have all the high merit and distinction of treating the question of certain oaths with some degree of ridicule. That merit was to be shared at least with that great and enlightened moralist and divine Dr. Paley, whose book he had quoted from.

Mr. *Plunkett* rose merely to state what he conceived to be the bounden duty of the House. A charge had been brought forward by an hon. baronet against the sheriff of Dublin, for having improperly empanelled a grand jury. Now, without entering into the question which had that night been so much discussed, it would surely be a gross injustice to the sheriff if the evidence affecting the empanelling of that jury — if the testimony of the grand jury itself—could not be heard, supposing it necessary to his defence. He rose, therefore, to submit to the House, that if these interrogatories were not to be put, all the previous evidence that had been taken affecting the conduct of the grand jury ought to be expunged from the minutes. At all events, that part which was inculpatory ought not to be kept in, if that which might be exculpatory was to be put out.

Mr. *Brougham* said, that he had last night recommended delay, in order to give opportunity for a mature inquiry into a point of so grave and serious a nature as the present. He was now anxious to offer a few observations upon it, and the more so as he confessed that he now felt much fewer doubts upon it than he did on the former occasion. He certainly was of opinion, that if the House could avoid coming to any decision upon this point—if they could prevail on themselves not to decide upon it—that would be the most convenient, as well as the safest course which they could adopt; but that course could only be adopted by their abstaining altogether from inquiring into what passed before the grand jury. For it certainly would be going against justice to enter at all upon the inquiry without pursuing it to its fullest extent. Then, the practical question for the consideration of the committee was, could this inquiry go on with safety to its own object—could it be effectually prosecuted—without inquiring what did take place before the grand jury? If there was any member in that House who thought not, then that member must be also of opinion, that the inquiry must be prosecuted to its fullest extent. And then would come the inquiry as to the power of the House to absolve a grand juror from the obligation of his oath. He saw no middle course. If they could not go into that inquiry without taking this course, and if the House did not possess the power of taking it, then it must drop altogether—a circumstance for which he has no doubt every member of the House would feel extremely sorry. But he did not feel that they were placed in this dilemma: he did not conceive that what had passed before the grand jury of Dublin was necessary to the vindication of the sheriff's character; and his reason for thinking so was this: The main question to be inquired into was, whether the sheriff had packed the grand jury? Now, if that jury so packed, had done as it was expected they would do, and if this were proved, it certainly would tend much to the crimination of the sheriff; but if they had been disobedient, and had not done what it was expected they would do by the person who packed them (always supposing them to have been packed), that would not, in his view of the case, tend to exculpate that officer. To be sure, an officer having such an object in his view, would select men fit for his purpose, or whom he thought fit for his purpose; he would try to find men who would say to A. B. "We can't listen to your evidence respecting such a man, because you did not know his name at the time that you saw him do so and so." But the disobedience of such a jury would be no proof of the innocence of the sheriff. He was particularly anxious to guard against its being sent forth to the world that the House doubted its power to act in cases of emergency. All that was necessary to be done in this case was, to decide that there was, in this instance, no necessity for its exercise. Such an occasion might arise—it might arise even on that very night; but sufficient for him was it to perceive, that that occasion was not now arrived. If any hon. member were to say that the character and credit of the sheriff were not safe without such an inquiry, that alone would be sufficient ground for entering on the present discussion, if a discussion upon the point should be thought necessary; but he had heard no hon. member yet assert that that was the case. He now begged to observe, that he thought he had been misled with regard to some of the doubts he entertained respecting a clause in the act of the 56th of the late king. He had since consulted a gentleman who had taken an active part in the framing of that act, and he found that if it were considered a new enactment to make that law which was not law before, then he must say that the law of Ireland differed from the law of England—an admission which he was very loth to make, and which ought not to be lightly made. Upon the law of England, he was at a loss to see how any doubt could be raised upon this point. Would any man pretend to say that a person could not be prosecuted for perjury committed in his evidence before a grand jury? If they once admitted this, then every man, who, from spiteful or malicious motives, went before a grand jury to prosecute his neighbour, would be free from the punishment due to his crime; because, in nine cases out of ten, there were no persons listening to his evidence but the grand jury; who, according to this doctrine, would be prevented by their oaths from appearing against him. But, an hon. and learned friend of his had furnished him with a case decidedly in point on this subject. A man was tried for a capital offence; the witness for the prosecution deposed strongly against him; and as the case was going on, a grand juror threw down a note to the prisoner's counsel, stating that the witness had sworn quite the reverse before the grand jury on that morning. The statement was instantly made known to the court, and Mr. Justice Buller ruled, that the grand juror should be allowed to appear as a witness: he did appear, the man was acquitted, and he understood that the witness was afterwards convicted of perjury on the evidence of that grand juror. The oath of the grand juror was never intended to impede the course of justice; it was meant to prevent idle gossip; to prevent persons from talking over at an ale house or at a gentleman's table after dinner, the whole of the circumstances which had taken place in the grand jury room. The oath of a grand juror bound him to keep the king's counsel, his fellow jurors and his own. That the king's counsel should be kept was necessary, as otherwise the accused might escape and justice be evaded; but it never could have been intended, that a juror's oath should prevent him from appearing as a witness against a person guilty of perjury before him. The House ought to give every sort of credit to, and act with all manner of kindness towards, really conscientious scruples. At the same time, their proceedings would be most improperly impeded, if the witness was to be the judge of the expediency of yielding to those scruples. It would be for a witness to make an objection, and for the House to determine whether the objection was a valid one. If a witness was allowed to plead the tenderness of his conscience as an excuse for not giving his evidence, there would be an end of all inquiry. What would be said if one of the society of friends were to come into a court of justice, and say that his conscience not only precluded him from taking an oath, but because he had strong feelings on the subject of capital punishments, also prevented him from giving evidence which might affect the life of an individual? The answer which would be given to such a person would be this—" Sir, you have no right to have a conscience on such a subject at all: the legislature is the only judge of the necessity of taking away a man's life, and your notions of jurisprudence must not stand in the way of justice." So, with respect to witnesses at the bar of that House who might plead a tenderness of conscience, he would say—" Place your conscience in our keeping; we will deal with it with all tenderness; but we are the proper judges of what ought or ought not to be given in evidence in this House."

Colonel *Barry* said, he should extremely regret any circumstance which would prevent the sheriff of Dublin from producing at their bar testimony which would go to contradict that which he (col. Barry) believed in his conscience to be false evidence. Indeed, he should regret any thing which would put an extinguisher upon the present inquiry. The grand jury themselves, as far as he had been led to understand, had no objection to state at the bar what took place before them, as they did not conceive the obligation of their oath went so far as to prevent them from giving evidence in any inquiry instituted by that House for the purpose of attaining the ends of justice.

The *Attorney General* observed, that when, two nights ago, the first question was put to a witness with respect to the conduct of the grand jury, he had entered his protest against such a line of evidence, because he foresaw, that, if it were persevered in, the committee would be placed in the dilemma in which they now stood. He regretted that the House had not listened to his advice upon that occasion. He knew that in the case of sir John Fenwick the House had compelled a grand juror to state proceedings which had passed in the jury room; but he doubted whether it would be expedient to follow that precedent upon the present occasion. He had not yet made up his mind upon that point, and he hoped that the committee would not come to a hasty decision of the question before it. Of this he was satisfied, that if the committee should refuse to receive the evidence of the grand jury, they ought, in justice to those gentlemen, to expunge from the minutes of evidence every word which related to their conduct.

Dr. *Lushington* said, that in his opinion the House had decidedly the power to inquire into what passed before the grand jury, and that it would be no violation of the oath of any grand juror to give the fullest information the House might require of him. If the question under consideration was, whether in every case that

House had the power of absolving a man from the obligation of an oath, he should give it his decided negative; because, it was absurd to say that any one branch of the legislature could undo that which was the united act of the three. But that the legislature had the power of abrogating certain oaths, was undeniable, otherwise the half of our ancestors were perjured men; because, previously to the Reformation, there existed many oaths, exacting the performance of certain duties, which oaths were altogether abrogated after the Reformation. If the matter were not sifted to the utmost, it would be the duty of the House to strike out of the minutes every thing relative to the conduct of the grand jury. It would be the height of injustice to hear charges against that body, and to deprive them of the power of answering those charges.

Sir *J. Newport* suggested that a motion should be made to expunge from the minutes all that related to the conduct of the grand jury. [Cries of "move."] He would first wish to know the opinion of the right hon. gentleman opposite.

Colonel *Barry* was of opinion, that the proceeding suggested by the right hon. baronet would be an act of gross injustice towards the grand jury. Could the committee, after having allowed all the calumny (he did not use the word in an offensive sense) which had been uttered against the grand jury to be published, now refuse to hear and record their vindication?

Sir *J. Newport* said he would not make the motion in opposition to the opinion of the right hon. gentleman.

Mr. *Dawson* said, he had been in doubt whether any examination of a grand juror should take place, but the speech of the hon. and learned gentleman (Mr. Brougham) had completely removed that doubt from his mind. After what had been said of the conduct of the sheriff and the grand jury, it would not be doing justice to either, nor dealing fairly with the administration of justice in Ireland which was thus impeached, if they did not go into the fullest examination of all those whose evidence tended to the elucidation of truth. However inconvenient the course of examination proposed might be, he thought it ought to be gone into.

Mr. *Goulburn* said, it was very natural for an Irishman to wish to clear the administration of justice in that country from every imputation of partiality. He was as anxious to do so as any hon. member, but he must think that the course pointed out would be attended with very considerable inconvenience. He had given the utmost attention to the arguments which had been urged in favour of examining the grand jury; but he had not yet heard any thing which satisfied him of the justice of compelling parties to violate so sacred an obligation as an oath.

Sir *N. Colthurst* said, that the attorney-general for Ireland had declared it was not his intention to cast any imputation upon the grand jury. It appeared, however, that in the list of witnesses which he had given in, there were five persons who could not be examined for any other purpose but that of impugning the conduct of the grand jury, as they were called to state how they had been treated when called before that body to give their evidence. Under these circumstances, he thought the fullest inquiry should be entered upon, for the purpose of giving all the parties an opportunity of defending themselves.

Mr. *Canning* said, that the decision of the House, if it should be for allowing the question objected to to be put, would still leave the real point open for dicussion, for the witness might go on with his testimony until he came to some point which he might consider himself prevented from answering by his oath of secrecy. The question would then be raised as to the power of the House to compel him. If, however, the committee should decide that the question should not be put, they would cut off the matter altogether. The right hon. gentleman then referred to the petition of the grand jury, in which they complained of the imputations cast upon them by the attorney-general for Ireland, and which imputations they observed they were prevented from rebutting by the oath of secrecy by which they were bound. Now this, he observed, was sufficient to show the feeling which that jury entertained with respect to their oaths, and that the committee were proceeding to do that to which they had such a conscientious objection.

Sir *J. Mackintosh* said, that since the presentation of the petition, the grand jury had presented another jointly with the sheriff, in which they prayed for the fullest investigation into their conduct, and expressed their willingness to repair to London for that purpose.

Mr. *Canning* said, that if all the jury had no objection to be examined, it might be another question; but if some should object to be examined, the committee would have to come to the question as to the propriety of compelling them. Now, he thought that would be objectionable; and therefore if the committee divided, he would give his vote for not putting the question, by which the matter would be set at rest.

Mr. *Brougham* said, if the sheriff and his friends desired it, he saw no objection to the examination; but he did not think the examination of the grand jury at all necessary to the case of the sheriff.

Mr. *Dawson* said, if the grand jury sought to give an explanation of their conduct, the opportunity should not be denied them of answering charges so unequivocally made.

Mr. *Tierney* conceived that they must have all the evidence respecting the grand jury or none. Would it not be better to shape some middle course, and instruct the chairman to state to any grand juror who might come before the committee, that he must either be silent as to the conduct of the jury, or consent to be examined touching all that occurred.

Mr. *Keith Douglas* said, that rather than have the proceedings conducted in this undecided manner, he would wish the whole inquiry to be put a stop to at once; and if any member felt disposed to second him, he would move that the chairman do report progress, and ask leave to sit again that day six months.

Sir *J. Mackintosh* did not see how the committee could possibly refuse to the grand jury an opportunity of defending themselves if they required it. As to the oath of secrecy, the grand jury by their joint petition with the sheriff, in which they complained of the charges made against them, and expressed their readiness to repair to London to aid any inquiry which the House might please to go into, distinctly waived the question of secrecy; because no examination could take place to exculpate them, but an examination of themselves. This petition either gave up any objection to be examined as to what passed in the jury room, or it was a dishonest attempt to deceive the House.

Sir *G. Hill* thought that the evidence already gone into respecting the grand jury was by no means necessary to the case of the sheriff. Indeed it was his opinion, that it would be greatly for the convenience of the House and the country, if the entire investigation was to close here.

Mr. *Plunkett* said, that the House had to come to a decision upon this abstract point—whether the House ought to compel a grand juror to answer? He had declared from the outset, that unless the proposed interrogatories were put and answered, gross injustice would be done to the sheriff, by suffering what was already on the minutes to remain there without giving him the opportunity of reply.

Mr. *R. Smith* proposed to move, "That, under all the circumstances of the case, it is not expedient to proceed with the inquiry with respect to any thing that passed before the grand jury."

Colonel *Barry* was opposed to the expunging of any thing from the minutes. If any thing were expunged, the charge would have been published in all the newspapers, without the means of giving it an answer. He was willing to rest the case of the grand jury on what had already appeared, without pressing it further.

Mr. *Peel* observed, that the committee had, in fact, nothing to do with the grand jury, but as its conduct implicated or acquitted the sheriff. He saw no reason why it should not proceed with other parts of the inquiry, regarding which all were agreed, and postpone this question respecting the grand jury, until it was found necessary to decide it.

Mr. *Brougham* fully concurred in what had been said by the right hon. gentleman. The only practicable method was to postpone to the last moment the decision of the abstract question. It would thus be left open to the hon. colonel to call any grand juror he thought right to bring forward. If he did not think it necessary to produce them, the question would not arise [Hear].

Colonel *Barry* added, that he should call some of the grand jurors, but not to any matters connected with what had passed before them when the bills were ignored.

Mr. *John Davis* called in; and examined

By Colonel *Barry*.—What is your situation in life?—I have been educated in a respectable mercantile establishment; since that I have been much on the continent; I now reside near Dublin, within a few miles of it.

Do you know a person of the name of Addison Hone?—I do.

Is he supposed to be a man of what are called strong political feelings?—I certainly consider him a man coming under the denomination of possessing high political feelings.

Do you recollect being present at any conversation between Addison Hone and sheriff Thorpe?—I do.

State what that conversation was?—I recollect walking with Mr. Addison Hone, some few days, probably three or four, previous to the meeting of the January grand jury. I remember Mr. Hone, having met Mr. Sheriff Thorpe, addressing him; he informed him, that he understood Mr. Sheriff Thorpe had received a communication from the crown solicitor, relative to this panel. Mr. Sheriff Thorpe, without any reply, seemed to affirm that he had, without explaining the nature of that communication. Mr. Hone then observed, that it was not his intention to go on this jury, but that in consequence of that communication, as it was generally well known through the city of Dublin, he now declared his wish to occupy his place on that panel, and requested the sheriff to put him on it. The sheriff replied something synonymous to this, "that he was considered a party man in the city; that as there were some circumstances of a very particular nature would come before that jury, he was anxious to be free from any appearance of partiality, and under that impression he should not put him on;" I think he added, "that the same would not apply to Mr. Davis, and that he would be on the jury."

What did you conceive the sheriff meant by a party man?—I considered it applied in that sense to Mr. Hone; that he is a gentleman who has avowed his sentiments on the politics of the day; he is considered a high protestant ascendancy man. I believe there is an impression very generally prevailing, that he is an Orangeman; but I believe that he is not.

By Mr. *S. Rice*.—Are you an Orangeman?—I am not.

Are you a member of the grand jury?—Of the January grand jury I was.

Do you know of a subscription that was made in Dublin, for the purpose of dressing the statue?—No, certainly not, at the time of the dressing of the statue.

You do not know any thing with regard to that subscription of your own knowledge?—Certainly not.

The right hon. *William Plunkett* made the following declaration in his place:

On communication with the law officers, I determined to have a letter addressed by Messrs. Kemmis to both the sheriffs, for the purpose of their joining in returning the panel; and that letter, now shown to me, is the letter which was accordingly sent. [The letter was delivered in and read; and is as follows:]

"*Kildare-street*, 24*th Dec*. 1822.

"Gentlemen;—In pursuance of a communication we have this day received from his majesty's attorney-general, we have the honour to inform you, that, in order to avoid any suspicion of partiality, on the approaching trials at the commission, it is expected that the panels shall be returned by both the sheriffs, as the law requires. We, &c. Thos. & Wm. Kemmis."

Mr. *William Carpenter* called in; and examined

By Colonel *Barry*.—Do you know any person of the name of William Poole?—I do.

Did you hear any conversation between him and sheriff Thorpe, a few days before the commission?—I did; it was in the court-house, in Green-street. Mr. Poole came to sheriff Thorpe, and he told him that he was informed that he was not on the panel; and he said, that he was astonished, as Mr. Thorpe had promised him, about six weeks, or two months back, to put him on the jury. Mr. Thorpe told him, that he could not put him on the jury; that the panel had been made out by his brother sheriff and himself. Mr. Poole some time after, told him, that if he put him on the panel he would not interfere with the matter which occurred in the theatre.

Did he state any particular reason for wishing to be on the grand jury?—He mentioned that there was a bill of indictment against a Mr. T. O'Meara, for perjury. He said he would be able to explain the circumstance to the jury, if he was put upon the panel.

What reply did sheriff Thorpe make?—He told him that that very circumstance would prevent him from putting him on the panel. This was about two or three days prior to the jury being sworn for the commission. It took place in the Sessions house, in Green-street.

By Mr. *S. Rice*.—Do you recollect having made any declarations, with regard to the possibility of bills being sent up to a grand jury, respecting this play-house riot, before you served upon that grand jury?—No, I do not.

You never declared, that if such bills had been preferred to a grand jury, they ought to have been thrown out?—Never.

Did you belong to an Orange association at the time that you were sworn as a grand juror?—I did.

By Mr. *R. Smith*.—Who was present, besides yourself, when Mr. Poole addressed this conversation to sheriff Thorpe?—There was a vast number in the court, but not near us; I was sitting between sheriff Thorpe and Mr. Poole, in the sheriff's box with sheriff Thorpe.

He spoke across you to sheriff Thorpe?—Yes, he did.

Had you any previous acquaintance with Mr. Poole?—O, yes.

Have you been in the habit of private intimacy or friendship with him?—Nothing more than meeting him in the assembly, and on a committee, and on grand juries.

Is he a man whom you reckon a warm man in politics?—I think so.

An Orangeman?—No.

Is he what you call a conciliation-man?—I believe so.

Have you and he been often on the same side at meetings of the common-council?—Not on the same side.

You have been divided?—Always.

That made no heat of blood between you?—No.

You agreed perfectly well?—Perfectly well.

Did you not think it somewhat extraordinary, his holding this conversation with sheriff Thorpe before you?—No, I did not, at the time.

Have you often heard men talk in this way, to sheriffs, about being put on special juries, and making bargains what they would do, and what they would not?—I have heard men make the request.

Did you ever hear another man make a request to alderman Thorpe?—Never.

To what sheriff have you heard requests made?—I think Mr. White; I made a request myself to get a gentleman on the jury.—He was an Englishman, and had never been on a jury in Dublin, and he wished to get on the grand jury.

Did you ever mention this conversation, which Mr. Poole addressed to sheriff Thorpe, to any body else?—I cannot recollect.

Did Poole, soon after he had said this, go out of the box, and leave you two alone, or did you leave him with sheriff Thorpe?—When he was leaving the box, he told sheriff Thorpe he had not treated him gentlemanly.

What did sheriff Thorpe say when Mr. Poole proposed to have nothing to do with this matter of the riot, if he would put him on; did sheriff Thorpe make any reply?—He said he could not alter the panel, as it had been made out by his brother sheriff and himself.

After he was gone, had you any conversation with sheriff Thorpe about what had passed?—I had; I mentioned to Mr. Thorpe, he seemed to feel so anxious, "if you possibly could, it will be as well not to have any difference between you and Mr. Poole, if you could put him on the panel;" "the circumstance he has mentioned," said he, "would prevent my putting him on the panel.

By Mr. *Hume*.—Do you take an oath as an Orangeman?—I do.

Have you any objection to state what that oath is?—I really do not recollect it, but the principle of it is this; to support the king and constitution.

Is there any thing else but to support the king and constitution: do you recollect nothing more?—I do not recollect.—[The witness was directed to withdraw.]

Mr. *Goulburn* objected to the question.

Mr. *Hume* contended, that this was necessary to ascertain how far the witness was bound to secresy. After his declaration, that he did not recollect what he had sworn to, his testimony ought to be received with great caution.

Mr. *Goulburn* protested against the inference of the hon. member. He should be glad to know, whether the hon. member could repeat the oaths he had taken at the table of the House.

Lord *Milton* thought the observation of the right hon. secretary extremely weak, and beside the question. Did it follow, because hon. members might not be able to recite the oaths they had taken, that they did not know the tenor of them? He agreed with his hon. friend that this man's testimony ought to be received with great caution, after his declaration that he did not recollect the oath he had taken. He believed it was well known that the Orange oath contained something beyond the mere obligation to support the king and constitution.

Colonel *Barry* begged to state, in the first place, that he was no Orangeman. As to the terms of the oath, they were in print. The witness could have no motive to conceal what was known to almost every body. He hoped it would not be laid down, that because an individual had taken an oath as an Orangeman, he was therefore not to be believed.

[The witness was again called in.]

By Mr. *Peel*.—Do you conceive that you took any oath or obligation of any kind, which prevents your telling this House the truth, the whole truth, and nothing but the truth?—No.

By Sir *J. Mackintosh*.—Have you taken an oath of secrecy of any kind as a member of the Orange association?—No; I really do not consider the oath a secret one, for I have shown the oath.

Does the oath which you take as a member of the Orange association, bind you to keep any thing secret and what?—It does; there are signs among Orangemen which are kept secret.

Does it bind you to conceal nothing but the signs by which Orangemen know each other?—I believe not; I do not recollect any thing; I cannot speak positively.

By Mr. *Jones*.—How long have you belonged to an Orange lodge?—About three years.

You have been on habits of intimacy have you not with sheriff Thorpe?—Sometimes.

Did sheriff Thorpe know you were an Orangeman?—He had no reason to know that I was one.

You did not keep it a secret that you were an Orangeman from your friends and acquaintances, did you?—I never made it very public, any thing more than in society.

Did you at the same time keep it secret?—Tolerably so.

Did not your friends and acquaintances know you were an Orangeman, generally speaking?—A great number of them did.

Amongst those friends and acquaintances, sheriff Thorpe was one?—Yes.

By Sir *J. Mackintosh.*—What is the number of the Orange lodge of which you are a member?—1640.

Does not the oath you have taken as an Orangeman bind you to be faithful and true to all Orangemen?—It does, and it binds me as well to my brother Roman Catholics.

Does the oath contain words to this effect, "I swear to be faithful and true to all Orangemen?"—I believe it does.

You have said that you also swore to be faithful and true to all your Roman Catholic brethren, are you sure the oath contains these words, "I swear to be faithful and true to all Roman Catholics," or words bearing that import?—It is very near that I think.

You wish the committee to believe that the same words are applied to Orangemen and Roman Catholics in the oath you have taken?—No, I do not think they are exactly the same words.

Are they words of the same meaning?—No.

Do not you recollect that you just now said that they were very nearly the same?—It is really so long since I have taken the obligation that I do not recollect the words.

You have used the words, "my Roman Catholic brethren," will you say that the oath contains the words, "Roman Catholic brethren?"—The word "Roman Catholic" is in the obligation.

Will you state that the word "Roman Catholic," has in the oath any friendly application to the Roman Catholics, in the same way as when it is applied to Orangemen?—Not in the same way, but it is in a friendly way in the oath.

Does the oath contain any thing else about Roman Catholics?—I do not recollect.

Does the oath not contain an express declaration, that the person taking it is not, and never was, a Roman Catholic?—It does.

Are Roman Catholics once mentioned or twice mentioned in the oath?—I do not recollect.

How came you to tell the committee that the oath bound you to be faithful and true to your Roman Catholic brethren as well as to the Orangemen?—I stated the matter to the best of my recollection.

Your recollection at that period was different from your recollection at the present was it?—It must be.

You recollected five minutes ago that you had sworn to bear friendship towards Roman Catholics, and now you recollect only to have sworn to disavow and disclaim being a Roman Catholic, how do you reconcile both those statements?—In admitting members into the lodge, they must swear that they never were Roman Catholics; that is what I alluded to.

Do you know how many Orangemen were among the fourteen common-council-men, who served on the commission grand jury last January?—There was one to my own knowledge: a Mr. Cussack.

Do you know whether Joseph Lamprey was an Orangeman?—I have heard so—I believe he was.

Is Mr. George Holmes an Orangeman to your knowledge?—I have no reason to believe him so.

Do you know whether Mr. John Foster is an Orangeman?—I do not know.

Or a Protestant ascendancy man?—He would certainly drink that.

Mr. John Stephens, do you know whether he is an Orangeman or not?—I do not know.

Is he a Protestant ascendancy man?—He would drink the toast.

Is Mr. Joseph Moore a Protestant ascendancy man?—He is.

Is he an Orangeman?—Not to my knowledge.

Is Mr. Perrin an Orangeman?—I do not know.

Is he a Protestant ascendancy man?—Yes.

Is Mr. John Davis a Protestant ascendancy man?—Yes.

And Mr. Andrew Woods?—Yes.

By Sir *G. Hill.*—Will you state whether you are aware that there is any thing in the oath taken by an Orangeman, that has not been published over and over again?—It has frequently been.

Has there been any thing in any oath to your knowledge, taken by an Orangeman, that has been withheld from publication repeatedly?—No.

By Mr. *Hume.*—Are any contributions of money collected in your lodge, or any quarterly payments made?—Nothing more to my knowledge than what pays for the expense of the night, what is drank.

By Mr. *R. Smith.*—Do you think that any saving could be effected in those expenses? [a laugh!]—No; I do not, indeed.

By sir *J. Newport.*—You were present at sheriff Thorpe's dinner when his health was drank, did he make a speech?—He did.

Did sheriff Thorpe in that speech pledge himself to pursue any line of conduct during his shrievalty?—To the best of my recollection he did; the only part that I recollect was, that he pledged himself to give the glorious memory.

Do you recollect whether Mr. Sheriff Thorpe pledged himself during his shrievalty to act up to the opinions of those who had made him sheriff?—I believe he did.

Whom do you consider that he meant by those who had made him sheriff?—The Commons; what is commonly called the glorious memory men.

You stated that in the conversation that Mr. Poole had with sheriff Thorpe, he said he would not interfere if he put him on the jury: what did you mean by that expression?—What he meant by that was, there were bills of indictment against those persons for rioting in the theatre, and that was what Mr. Poole alluded to, that he said he would not vote upon that.

Do you consider yourself bound by any oath which you have taken as an Orangeman, to conceal any evidence you have it in your power to give to this committee?—Certainly not.

Was there any subscription in your lodge, for the subsistence of the traversers, the men who were to be tried under this indictment?—Not to my knowledge.

How many members have you in your lodge?—At the time I attended, there were perhaps about 25 or 30.

Did you ever hear of any subscriptions among the Orange lodges in Dublin, for the support of the traversers?—I did, I heard of it.

Do you meet by summons?—Yes.

What are the toasts given?—"The King" is generally the first toast; and then "The duke of York" and "The duke of Clarence and the Navy."

And the usual toast of "King William?"—Yes.

You drink the usual toast, "The glorious memory?"—Yes.

Did not you state that Mr. William Poole was a conciliation-man?—Yes.

Do you know what induced Poole to say he would take no part against the rioters, on the inquisition, provided he was left on the panel?—Yes; he mentioned the reason, that there was a bill of indictment against Mr. O'Meara.

Do you know what induced Poole, a conciliation-man, to hold out an offer to sheriff Thorpe, that if he was left on the panel, he would give no vote as to the rioters at the theatre?—The only reason which I know is, that Mr. Poole has differed with the majority a good deal, in the Commons; and that perhaps Mr. Thorpe might think that if he was on the jury, there would be a difference.

Did sheriff Thorpe, when this offer was made by Poole, of not interfering with the rioters at the theatre, express any surprise or indignation?—He did; for he told him that would be the very means of preventing him from putting him on the panel.

The House resumed. The chairman reported progress, and obtained leave to sit again.

HOUSE OF COMMONS.

Friday, May 9.

Spitalfields Silk Manufacture Acts — Petition for the Repeal thereof.] Mr. *T. Wilson* presented a petition from the Silk-manufacturers of London and Westminster against the statutes of the 13th, 32nd, and 51st of the late king, usually styled the Spitalfields' Acts, which empower the magistrates to fix the wages of journeymen silk-manufacturers, and impose other restrictions highly injurious to the trade. In proof of the evil tendency of these acts as they affected the workmen, the hon. member stated, that the population employed in this manufacture had of late years decreased. In no part of this manufacture were these laws of any use; and there were many in which they were highly detrimental. The fabric was so fettered and regulated by the statute, that fancy silk goods, in imitation of the French, could not be made in London. As a proof, however, that the trade, which had decreased in London, where alone those laws were in operation, had flourished in other parts of the country, it might be mentioned, that the value of raw silk annually imported, which, 50 years ago had not exceeded 120,000*l.* was now upwards of 2,000,000*l.*

The following is a copy of the petition:—

"To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in parliament assembled.

"The humble petition of the undersigned silk-manufacturers, residing within the city of London, the county of Middlesex, the city and liberty of Westminster, and the liberty of the Tower of London:

"Sheweth—That your petitioners are extensively engaged in the manufacture of silk, within the city of London, the county of Middlesex, the city and liberty of Westminster, and the liberty of the Tower of London, and which manufacture is, in the opinion and judgment of your petitioners, at present so circumstanced, as to require the attention of your honourable House:

"That the silk manufacture of this kingdom, from an inconsiderable beginning, has gradually attained to great importance in a national point of view, supplying to the state a large revenue—supporting a numerous and industrious population—and affording the means of an extensive and beneficial investment of capital. In the earlier periods of this trade, it had to contend, under the greatest disadvantages, with the rival and favourite manufacture of France. The proximity of the latter country to Italy, her domestic growth of the raw material, and the possession of machinery far surpassing, in its application to silk, any hitherto employed in this country, gave to France, for a long series of years, such predominant advantages, as entirely to confine the sale of English manufactured silks within the British dominions. Of late years, however, Bengal silk has been so greatly improved in quality, and so prodigiously increased in quantity, as no longer to leave the trade in its former state of nearly total dependence on Italy. From documents of unquestionable authority it appears that, in the year 1770, the annual supply from Bengal and China was about 100,000 lbs. weight only; that in 1780 it amounted to but 200,000 lbs.; that in 1800 it was 292,385 lbs.; and that in 1820 it had increased to upwards of one million of pounds: which, added to the amount of raw and thrown silk drawn from Italy, will give a total of silk imported into Great Britain, in the year 1820, of 2,547,212 lbs. weight: exhibiting a two-fold increase during the space of twenty years, and greatly exceeding the consumption of the French manufactories.

" That, important as this manufacture is acknowledged to be, and much as it has recently been extended, it is still depressed below its natural level, and prevented, by existing laws, from advancing to a far higher degree of prosperity than it has hitherto attained; and which, under more favourable circumstances, it would, without difficulty, realize. Possessing, as this country does, access to an unlimited supply of silk from its eastern possessions, an indefinite command over capital and machinery, and artisans whose skill and industry cannot be surpassed, your petitioners hesitate not to express their conviction, that, by judicious arrangements, the silk manufacture of Great Britain may yet be placed in a situation ultimately to triumph over foreign competition; and that silk, like cotton, may be rendered one of the staple commodities of the country.

" That, in addition to the pressure of heavy duties, imposed on the raw material of this manufacture, the London branch of the trade is further depressed by injudicious and vexatious restrictions on the wages of labour, by which the operations of your petitioners are so fettered and embarrassed, as to compel them to seek relief from your honourable House. By the 13th George 3rd cap. 68, intituled an act to empower the magistrates to settle and regulate the wages of persons employed in the silk manufacture within their respective jurisdictions," and commonly known by the name of the Spitalfields act, the lord mayor, recorder, and aldermen of London, and the magistrates of Middlesex, Westminster, and the liberty of the Tower, are severally empowered to regulate the wages, which are to be paid to the journeymen silk weavers by masters residing within those districts; and that if masters, so residing, employ weavers in other districts, they are liable to ruinous penalties.

" That, by an act of the 32nd George 3rd cap. 44, the provisions and penalties of this statute are extended to manufactures of silk mixed with other materials; and by an act of the 51st George 3rd cap. 7. the provisions for regulating the wages and prices of work of the journeymen weavers, mentioned in those acts, are extended to journeywomen also.

" That, since the passing of these acts, a great variety of orders from time to time have been issued by the magistrates, interfering in a vexatious manner with the minutest details of the manufacture; such as limiting the number of threads to an inch; restricting the widths of many sorts of works; and determining the quantity of labour not to be exceeded without extra wages. That from the total omission in these acts of all limitation in point of time, within which informations may be brought, as well as from the impossibility, proved by experience, of bringing under specific regulation the infinite variety of articles to which silk is now applied, penalties may be incurred to an enormous amount, for the breach of some order of which the manufacturer may be totally unconscious.

" That, by the operation of this law the rate of wages, instead of being left to the recognised principles of regulation, has been arbitrarily fixed by the award of persons, whose ignorance of the details of this very intricate and complicated manufacture, necessarily renders them incompetent to give a just decision; and the result of this mode of regulation has been to fix the labour of many sorts of goods so extravagantly high, as to drive the manufacture of them altogether from the districts within the operation of the act, to other parts of the country, which are free from magisterial interference. That these acts, by not permitting the masters to reward such of their workmen as exhibit superior skill or ingenuity, but compelling them to pay an equal price for all work, whether well or ill performed, have materially retarded the progress of improvement, and repressed industry and emulation.

"That these acts totally prevent the use of improved machinery; it having been ordered by the magistrates, that works, in the weaving of which machinery is employed, shall be paid precisely at the same rate as if done by hand; thus, while every other branch of our national manufactures has enjoyed the full advantage of this powerful auxiliary, and while improved machinery has been kept in full operation, by our foreign rivals, the London silk loom, with a trifling exception, remains in the same state as at its original introduction into this country by the French refugees. Your petitioners beg to state that they are in possession of improved machinery ready to be applied to several important works, but which they cannot use with success or profit, while under the restrictive operation of these acts.

"That the fixed rate of wages which, under all circumstances, the manufacturer is bound to pay, has had the effect of compelling him, whenever a stagnation in the demand takes place, immediately to stop his looms; and the distress consequent on such a suspension of work has been manifested by the appeals repeatedly made by the districts concerned in this manufacture to the charity of the public, and to the aid of parliament.

"That the inevitable tendency of the provisions of these acts is, to banish the trade altogether from the vicinity of the metropolis, strong symptoms of which are manifesting themselves every day. Many works of the first consequence, which would have afforded employment to thousands of hands, have already been transferred to Norwich, Manchester, Macclesfield, Taunton, Reading, and other towns, where they are performed at from one half to two thirds of the price for which under these acts they can be made in London, Westminster, or Middlesex.

"That the removal of the entire manufacture from the metropolis, which your petitioners deem inevitable if these acts be allowed to continue much longer in force, cannot but be considered as a great and extensive calamity, involving the destruction of large capitals, long invested, and hitherto productively employed; and consigning to distress a numerous population, which it would be impossible to remove, and which for a long period has depended upon the London silk manufacture for the means of subsistence. That even if the removal of the trade could be effected without entailing upon thousands the ruin and misery here anticipated, yet your petitioners respectfully submit to your honourable House, that such an event would still be most undesirable; the neighbourhood of London being, from its proximity to the largest market and to the seat of fashion, the most eligible and appropriate spot on which this manufacture could be conducted.

"That several of your petitioners were examined on the subject of these acts before the select committee of the House of lords, appointed to inquire into the means of extending the foreign trade of the country in 1821, when, after a full and complete investigation, their lordships are understood to have reported 'that unless some modification takes place in this law, it must be, in the end, ruinous to the silk manufacture of Spitalfields, and as injurious to the workmen, as it will be to the employers;' which report your petitioners are informed, was afterwards laid upon the table of your honourable House, and to which report, and the evidence on which it was founded, your petitioners respectfully beg to refer, in proof of the foregoing allegations.

"That, in the experience of your petitioners, these acts have frequently given rise to most vexatious regulations, the unconscious breach of which has subjected manufacturers to ruinous penalties; that these provisions have prevented the introduction and improvement of all machinery by which labour might have been facilitated and cheapened, and prevent your petitioners from affording relief to their workmen in times of stagnation of trade, by compelling your petitioners instantly to stop their looms; and that the operation of these acts is rapidly banishing what yet remains of the trade in Spitalfields, to places which are free from such restrictions.

"That, notwithstanding these and other grievances to which your petitioners are subjected by the operation of these acts, still it is not so much their desire to seek relief from their operation in the particulars lastly stated, as to be exempted from the arbitrary, injurious, and impolitic enactment which prevents them, while they continue to reside within certain districts, from employing any portion of their capital in such other parts of the kingdom as may be deemed most beneficial; thereby depriving them not only of the fair exercise of their privileges as free subjects, and totally preventing all the public benefit which would arise from a competition between the London and the country manufacturers, but depriving them also of all hope of ever participating in the foreign trade of the Empire.

"Your petitioners, therefore, most humbly pray your honourable House, that for the reasons and under the circumstances hereinbefore set forth and referred to, the several acts of the 13th George 3rd cap. 68, the 32nd George 3rd cap. 44, and the 51st George 3rd cap. 7, in so far as they relate to the manufacture of silk, or of silk mixed with other materials, may be repealed: or that your petitioners may have such further or other relief in the premises, as to the wisdom of your honourable House may seem just and proper, and their case may require—

And your petitioners shall ever pray, &c.

Mr. *Ricardo* could not help expressing his astonishment that, in the year 1823, those acts should be existing and in force. They were not merely an interference with the freedom of trade, but they cramped the freedom of labour itself. Such was their operation, that a man who was disposed to embark in the trade could not employ his capital in it in London; and, as it might be inconvenient, in many instances to carry that capital out of London, the trade was necessarily cramped and fettered.

Mr. *Wallace* perfectly agreed in thinking the acts unjust to the merchant, unjust to the manufacturer, and, above all, unjust to the workmen. He thought them a disgrace to the Statute-book.

Mr. *Huskisson* fully agreed in the propriety of repealing the acts. He could only account for the existence of such statutes by their having been passed at a time when the silk-trade was almost confined to Spitalfields. Since the manufacture, however, had been carried into other parts of the country, the provisions of those acts must be got rid of, or Spitalfields would be deserted. His attention had been drawn to the subject almost immediately upon his coming into office; but he had abstained from bringing forward any specific measure, because he wished to convince the manufacturers first of the necessity of an alteration. Some prejudice, and indeed, a good deal, still existed among the workmen; but the House really ought to act for them without reference to those prejudices. It was his intention, on the earliest possible day, to submit a motion to the House for the repeal of the acts in question.

Lord *Milton* rejoiced in any prospect of getting rid of the obnoxious statutes, and observed upon the absurdity of raising a duty upon raw silk imported. Under the present system, a duty was levied upon raw silk imported, and, on the other hand, a bounty was given upon the exportation of manufactured silks. Now, great difficulty was found in apportioning the bounty, particularly upon goods composed of silk mixed with other material. Would it not be wise, and generally convenient, to get rid of the duty on one hand, and the bounty on the other?

Mr. *F. Buxton* gave the petition his decided support, from a conviction that a compliance with its prayer would tend to better the condition of all connected with the trade, and of none more than the workmen.

Alderman *Thompson* bore testimony to the pernicious operation of the law, which he hoped to see repealed, and trusted that the trade would be relieved from the duties on raw silk.

Mr. *W. Williams* said, that the restraints of the existing law had driven one considerable branch of the silk-trade from Spitalfields to Norwich.

Mr. *Ellice* hoped that the parties who supposed themselves interested in the existing restraints would be afforded time to petition.

Mr. *Huskisson* said, he would propose his resolutions on Monday, and move for leave to bring in a bill for an alteration of the law, in the different stages of which the parties alluded to would have sufficient opportunity to present their petitions.

Ordered to lie on the table.

SCOTCH LINEN MANUFACTURE.] The House having resolved itself into a committee on the Scotch linen manufacture acts,

Mr. *Huskisson* said, it was his intention, in proposing that committee, to move for the repeal of several statutes, which imposed regulations injurious to the trade. These statutes had been passed at a time when the House was in the habit of interfering with the business of individuals. The 13th of George the 1st was in itself a striking instance of the absurdity of such enactments. It professed to regulate, not only the shape of the cloth, but the number of threads in every hank of yarn. Another object of the bill would be, to abolish the use of the stamp on linen, which was found to be an instrument of fraud instead of a security against it. If, however, there were any so prejudiced in favour of the custom as to wish to preserve it in their manufacture, the bill would leave them free to do so, removing, however, all the penalties from those who wished to dispense with it. The right hon. gentleman concluded with moving, that the chairman should be instructed to move for leave to bring in the bill.

Sir *R. Fergusson* expressed his thanks to the right hon. gentleman for the pains he had taken to remove the vexatious enactments under which the trade had so long suffered, and declared his conviction that the intended measure would be received with satisfaction and gratitude by the people of Scotland.

Mr. *Maberly* concurred in approving of the measure, but regretted that it should be found necessary to continue for a single day so useless an expence as the stamp commissioners. He trusted, however, that they would be enabled to put an end to that board in the next session of parliament.

Sir *H. Parnell* thought, that as the same system must produce the same evils in Ireland, the benefit of this measure ought to be extended to that country.

Mr. *Hume* agreed that it would be an advantage to Ireland; but as there were prejudices in that country which might throw obstacles in the way of its execution, he thought the right hon. gentleman had done right not to mix up the case of the two countries.

Mr. *Ricardo* thought, that if it could not be done at present, it ought as soon as possible to be extended to Ireland.

Leave was given to bring in the bill.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a Committee of the whole House to inquire into the Conduct of the Sheriff of Dublin, sir Robert Heron in the Chair,

Mr. *John Jackson* was called in; and examined

By Colonel *Barry*.—What is your situation?—A jeweller and Tunbridge warehouseman, in Grafton-street, Dublin.

Do you recollect being present at any party, at the house of Mr. Sibthorpe?—I do. On the 17th of December; there were present, Mr. Sibthorpe, jun., Mrs. Sibthorpe, Miss Sarah Sibthorpe, Mr. Thomas Sibthorpe, sheriff Thorpe, Mrs. Thorpe, William Graham, myself, and John M'Connell.

Did you hear sheriff Thorpe make use of the expressions, that he had an Orange panel in his pocket, or any words to that effect?—I did not.

You are very confident that no such expression was made use of that night, as long as you were there?—Perfectly so.

Did sheriff Thorpe talk any thing about the forming of a jury or a panel, or any thing else of the kind?—Not a word on the subject.

Do you suppose M'Connell could have heard any expression which you did not?—I am sure he could not.

By Mr. *Jones*.—At what time did this party begin in the evening?—About ½ past 8; I remained till about ½ past 11.

Do you mean to say, that for all those hours you sat nearer sheriff Thorpe than M'Connell did?—I mean to assert it.

Were there cards playing in this room?—Some part of the night.

Do you mean to say that you heard every syllable that sheriff Thorpe uttered on that night?—I am very certain I heard all that could have been said, unless it was whispered.

By Colonel *Barry*.—Such a remarkable expression as that must have attracted your attention if it had been made use of?—Most undoubtedly it would.

By Mr. *R. Smith*.—Was there any conversation whatever respecting the trials about to come on?—It could not be possible. It was not known whether the trials would commence or not, at that period.

Was there no conversation at all about the riot?—There was.

Did you hear sheriff Thorpe utter any sentiment of approbation, or of commendation of what had been done?—I did not.

Did you hear any body say a word about marquis Wellesley?—Not one person.

Do you recollect holding the knave of clubs in your hand?—I did not, on that occasion.

Do you know any body who did on that occasion?—I do.

Do you recollect his playing it?—I do.

What did he say?—He made a reflection upon the lord mayor. I believe it was tantamount to damning the lord mayor.

Do not you recollect that some person said, "I wish I could have a lick at him?"—I do not recollect that part.

What sized man was he who used that expression?—Short.

What was his name?—William Graham.

Did any lady remind him that he was a very little man?—I believe I do remember an expression of that import.

What did the lady say?—That she thought his expression was very extraordinary for a man of his stature to make use of respecting the lord mayor.

Are you a conciliation-man, or a Protestant-ascendancy-man, or a purple-man, or what?—I am in favour of Protestant ascendancy.

By Mr. *Brougham.*—During the whole of the time, are you certain there was no person, except Mr. Graham, between you and Mr. Sheriff Thorpe?—No, there was no one.

What called your attention particularly to that night, and to your relative position?—From a question I merely asked of Graham, relative to the transactions at the theatre.

What was that question?—I asked him if it was a fact that a bottle was thrown; and his answer I do not precisely recollect.

How do you happen so particularly to recollect their positions?—They were standing with their backs against the piano.

How do you happen to recollect that so particularly?—From an expression that M'Connell made use of.

What was it?—He made use of some gross reflection upon the misconduct of those that were termed the rioters at the theatre.

By Mr. *R. Smith.*—How long was it after this evening, that you heard M'Connell had stated such an expression to be used at Mr. Sibthorpe's, as has been put to you?—I am confident it was less than a week.

By Mr. *Plunkett.*—Did you pay more attention to sheriff Thorpe than to any other person in the room, during that evening?—No, I did not.

By Mr. *Goulburn.*—Will you take upon you to say, that no person in the room, during that evening, could have said any thing without your hearing it?—I think it is impossible.

Did you not hear some person say, "I wish the devil had the marquis Wellesley?"—I did not.

By Sir *G. Hill.*—You heard, within a few days after you had been in this company, that it had been stated by M'Connell, that sheriff Thorpe should have made this declaration about his having the Orange panel in his pocket?—I did learn it, in a very few days after.

Did that tend to call your attention more particularly to all that had passed in that company?—It led me to endeavour to recollect more minutely than I otherwise should have thought necessary.

By Mr. *Thompson.*—Who commenced the conversation about the riot at the theatre?—Sheriff Thorpe and Graham first commenced a conversation upon that head.

By Mr. *F. Buxton.*—What was the gross expression, relative to the conduct or misconduct of the rioters, that M'Connell made use of?—I do not recollect it; but I considered it so at the time.

What was the question you asked Graham respecting the rioters?—Whether a bottle had been thrown.

What was Graham's answer?—I think he said not: that it had not been thrown.

How happens it, that you forget the gross expression made use of by M'Connell; you are not certain to the answer of Graham; and yet, are sure you recollect every expression made use of by sheriff Thorpe, during the evening?—I am not certain to every expression.

By Mr. *Brougham.*—Did you come into the room with sheriff Thorpe?—No: I preceded him, I rather think; I am not certain on that head.

Did you leave the room before sheriff Thorpe?—No, after him.

You are not certain whether sheriff Thorpe was in the room when you arrived there, or whether you were there first yourself?—I am pretty sure he was.

Was Mr. M'Connell there before your arrival?—No.

Are you now as sure Mr. M' Connell came into the room after you, as you were about a quarter of an hour ago, that sheriff Thorpe came into the room after you?—I did not think it of consequence to ascertain whether it was the case or not.

Then, having forgotten the gross expression used by M'Connell, and having forgotten the precise answer to your question respecting Graham, how does it happen that your reason for recollecting the positions of the different persons in that room; was M'Connell's gross expression, and your question about Graham?—At the time, I was informed of M'Connell's giving the information that was stated to me, I endeavoured to recollect as minutely as memory would serve me, the relative position of every person, and as much of the conversation as I could recall to mind.

You never attempted to recollect the answer to the question about Graham, or the gross expression of M'Connell?—The answer of Graham about the bottle, was, as I said before, that it was not thrown.

How long have you been sure that he said it was not thrown?—Ever since he made use of the expression. I have no reason for subsequently recollecting more than I should at the moment when the conversation occurred.

Then, is your reason for now recollecting so accurately the position of different persons at that time, the conversation which you had two days after that time, respecting what passed between sheriff Thorpe and M'Connell?—The reason was, I was shocked at the conduct of M'Connell, in making use of expressions that never occurred.

Which expressions you have now forgotten?—I allude to the information, I ought to have said, that M'Connell had given, respecting the conversation that night.

Then M'Connell did not make use of any expressions that night?—Only such as I considered as applicable to Graham.

And those you forget?—I cannot recollect precisely; I considered, at that moment, that it was a gross expression.

Did you go away before sheriff Thorpe left the party?—After.

Who went away with you?—I think Graham and M'Connell and myself went out nearly at the same time.

Did sheriff Thorpe go away alone, or any body with him?—His wife was with him.

By Mr. *Sykes.*—You stated, at the early part of your examination, that you did not recollect the answer that Graham gave to your question; you have subsequently stated, that you do precisely recollect what that answer was; to which of those answers of yours do you adhere?—That the bottle had not been thrown.

Then why did you state, at the commencement of your examination, that you did not recollect what that answer was?—If I said so, I must have had made a mistake; I did not intend it.

If you do not recollect his expression, which you call a gross one, why do you term it a gross reflection?—If I might be allowed to answer in a general way, I would prefer to forget all gross expressions.

What made you term it a gross expression?—I consider all expressions gross, that are not grammatically correct, for instance.

Is that the answer you mean to stick by?—It is not a good one, but it is for want of recollecting a better.

Do you mean to say, that your credit is to rest upon the credit due to that answer?—By no means.

If sheriff Thorpe made use of the expression, that he had an Orange panel in his pocket, should you have considered that a gross expression?—I should indeed.

Do you adhere to the opinion, that you heard, and that, having heard, you must have recollected every expression made use of in that company?—I do not mean to say that I could recollect all the expressions made use of in that company.

Mr. *William Graham* called in; and examined

By Colonel *Barry.*—What is your situation in life?—A printer.

Were you in company at Mr. Sibthorpe's, shortly after the riot took place at the theatre?—I was.

Do you recollect who the company consisted of?—Mr. Sibthorpe's family, myself, a Mr. Jackson, a Mr. M'Connell, and Mr. Sheriff Thorpe and his lady.

Were you or sheriff Thorpe in the room first?—Mr. Sheriff Thorpe.

Was M'Connell or you in the company first?—I believe I was.

Do you recollect sheriff Thorpe making use of any expression relative to the panel of a jury?—No.

Do you think that if any such expression had been made use of in your presence, it would have attracted your notice?—I should think so.

Are you very certain that no such expression was made use of by sheriff Thorpe, in your hearing?—Certainly not in my hearing.

Do you think that if it had been made use of, in the common tone of conversation, you would have heard it?—From the size of the room, I should think so.

This was three days after the riot, was not it?—It was.

Did you, or sheriff Thorpe quit the company first?—Sheriff Thorpe.

Did you, or M'Connell quit the company first?—We retired together, I think.

After you left the room, sheriff Thorpe and M'Connell were not together?—Not that I can answer.

By Mr. *Brougham.*—You had an ex-officio information filed against you, for a riot at the theatre?—I had.

Was a bill preferred against you before the grand jury, upon that subject?—Yes.

Was it ignored or found?—Ignored.

Have you been with the other witnesses at all since you came?—In the apartment in this house.

Have you ever, before any person, spoken abusively respecting those witnesses, who deposed against the sheriff?—Yes.

Do you know one serjeant Harris?—I have seen him.

Did you not speak so of those witnesses, that the serjeant said, "you deserved to be ducked?"—No.

Then what did he say about ducking you?—His words were "If you are heard to say those expressions, you might be ducked."

That was with reference to the expressions you were using touching the witnesses?—It might have been so.

It was after you had been speaking respecting the witnesses?—Not respecting the witnesses generally speaking, but persons similarly circumstanced.

To whom similar?—The expressions I made use of were as to a similar description to those in Dublin; that if persons in Dublin heard me use those expressions, I might be ducked or thrown into the Thames.

Were those expressions that you talk of, which created that conversation, in the serjeant's opinion, applied to the witnesses?—No.

To whom were they applied?—Generally to persons of bad character.

Then you talked abusively of persons of bad character in general?—Yes.

And the serjeant said, that if you went on talking against people of bad character you might be ducked; was that so?—I should suppose it was meant so.

When you were in the witness room, had you a cane in your hand?—Yes.

With a sword in it; what is called a sword-stick?—No.

No sword-cane or sword-stick?—I had not one of my own.

Had you one in your hand belonging to any body else?—I might.

Have you any doubt you had?—No.

Were not you flourishing and brandishing it in the witness room?—I might.

Did not you say while you were in that conversation, with that sword-cane, that you would do some execution before you left London?—I might.

Chairman.—Witness, you do not appear to have a proper consideration either of the place in which you stand, or of the importance of being examined, touching the subject in consideration before the House; I recommend you to give more proper, respectful and direct answers.

By Mr. *Brougham.*—Did you attend particularly to every thing that fell from Mr. Thorpe at Mr. Sibthorpe's that night?—No, I did not.

Mr. M'Connell was there?—He was.

There was not any conversation about who threw the bottle?—Not that I heard.

You heard every thing that passed?—I think I did.

Did you hear Mr. M'Connell in conversation with any body?—Not particularly.

He never used any gross expression or made any gross reflections upon any body in your hearing?—No.

There were cards playing that evening, were there not?—There were.

The whole party played together, did they not, at the table?—I think so, I think I did.

Whom did you go away with?—I went to the door with Mr. M'Connell and Mr. Jackson.

And you left Mr. Sheriff Thorpe in the room?—No.

He had gone before?—Yes.

M'Connel was in the room before you came?—Yes; I think to the best of my recollection, he was.

By Mr. *R. Smith.*—Do you recollect when you were at cards, playing the knave of clubs, and using any expression when you played it?—Yes.

State what your expression was—."There is the lord mayor."

Was there not more?—"And be damned to him," I think.

Was that all?—Positively no more.

Was any observation made to you upon your saying so?—I cannot possibly recollect; there might.

You do not recollect any of the ladies saying any thing to you?—There might, I cannot positively recollect.

Was Mr. Sheriff Thorpe playing with you at that time?—I believe he was.

Did he say any thing to you?—I do not recollect indeed.

You are frequently in the habit of damning the lord mayor?—I have done so.

Did you ever damn the lord lieutenant?—Never.

You did not that night?—No.

You did not wish him at the devil?—No.

Did any man there wish him at the devil?—No.

Did you wish him in heaven?—No.

Did you hear his name mentioned that night?—I did not, certainly.

Did you hear any conversation about the riot that evening?—No.

Did nothing pass in your company respecting the riot in the theatre?—Most certainly not.

Were you one of those men who were sent to gaol for conspiring to take away the lord lieutenant's life?—No.

Had you any suspicion at this house of Mr. Sibthorpe's on this occasion, that you were charged with having been a rioter at the theatre, or implicated in the charge of having been a rioter?—None in my life.

How long after this evening at Sibthorpe's was it that you knew you were so charged?—A week.

Are you an Orangeman?—I am.

Do you know whether the persons who were tried were all Orangemen?—One I know to be an Orangeman, Forbes, and Brownlow.—[The Witness withdrew, and the sergeant at arms was ordered to keep him apart from the other witnesses.]

The right hon. *W. C. Plunkett*, Attorney General of Ireland, examined in his place as follows:

By Colonel *Barry.*—Will you have the goodness to look at that letter—[letter signed T. and W. Kemmis, produced yesterday]—was that letter written by your direction?—Certainly.

What was the cause of your directing that letter to be written?—An apprehension that I entertained, that the sheriff, who, according to the routine of office, would have to return the jury, was a partizan, and had made declarations with respect to the mode of preparing the panel.

And therefore you wished that the other sheriff should join in preparing the panel?—Just so.

What nature of panel would you have wished to have had to try the issue?—I should have wished, if possible, that there should have been a panel of unprejudiced persons; if that was not to be obtained, I should wish a panel composed partly of persons of all opinions, and not confined to persons of any one opinion.

Would you have thought, that a man's being an Orangeman, would have been a sufficient objection to his serving on that panel?—I certainly would, it would have been an objection in my mind; I should have thought the return of a jury of Orangemen would have been a gross violation of propriety, and would have excluded any reasonable chance of justice being properly administered.

Mr. *Wetherell* rose to order, and objected to the attorney-general for Ireland being examined in a case which involved his professional character.

Colonel *Barry* said, that he should not have examined the right hon. gentleman without first obtaining his consent.

Sir *G. Hill* said, that unless the examination was to ascertain some specific fact, he must object, on the ground of public convenience, to the attorney-general's examination in this manner. He was the law-officer of the Crown, and had, in some degree, the whole of the police of the country under his observation. It would be most inconvenient to call upon such an officer to state the information which his situation enabled him to command.

Mr. *Wynn* had no objection to the examination of the right hon. gentleman, but thought that any inquiry, having for its object the sort of jury that ought to have been empanelled, would be highly injudicious.

Colonel *Barry* felt himself placed in a very painful situation, but painful as his duty was, he would not shrink from it. If the house thought fit, through any overstrained delicacy, to interfere, he must submit; but till they did, he should persevere [Hear, hear]. He now wished to ask the right hon. gentleman whether he had ever had an opportunity of seeing the rules and regulations of Orangemen?

Mr. *Plunkett.*—I do not know exactly what is meant by the question; I have had an opportunity of seeing a printed book, containing the rules and regulations of Orangemen, and I have had an opportunity of seeing extracts from books, containing rules and regulations of Orangemen; in that sense I have seen the rules and regulations of Orangemen.

Mr. *Wetherell*, before the house proceeded further, begged to rise to order.

Mr. *Plunkett* begged his learned friend's pardon. The present investigation he conceived to be into the conduct of Mr. Sheriff Thorpe, and any question touching that matter he would willingly answer to the best of his power.

Mr. *Wetherell* repeated his objection, and added, that in the whole course of his parliamentary experience he knew of no case in which an attorney-general, on such an examination, seeing how intimately he must be connected with the prosecution of the inquiry, would not of necessity, be a witness against himself. His objection was to the irregularity and inexpediency of such an examination, and was not founded on any apprehension arising from his fears for the honour, the candour, or the ability of the right hon. gentleman. He was convinced it would be most unadvisable to pursue this examination.

The *Attorney General* thought that his right hon. and learned friend, like any other hon. member, was liable to examination by the house, on any topic connected with the pending investigation, unless the question put should be an improper one. As far as the inquiry had yet gone, he had heard nothing that was objectionable.

Sir *J. Mackintosh* observed, that they were not called upon prospectively to decide whether such or such a particular question would be an improper one to put to the learned gentleman, but whether, as attorney-general for Ireland, he ought to be examined at all? In his opinion, the learned gentleman ought not to be examined.

Mr. *Abercromby* said, that the course of the examination pursued in order to ascertain what the conduct of Orangemen had been, was perfectly right; but it was quite a different thing to examine the attorney-general for Ireland, whether he had become acquainted with the oaths of Orangemen, and whether he had adopted any proceedings in consequence. This would be in fact nothing less than asking for the legal opinion of the right hon. gentleman on the question.

Mr. *Plunkett* said, that, in a popular sense, he had no objection to answer the question proposed to him.

Mr. *Scarlett* said, it would be best to proceed in the examination, leaving it to the sound discretion of the right hon. gentleman to refuse answering any question when he saw the propriety of doing so.

By Colonel *Barry.*—Do you know whether those extracts were extracts from the books of the lodge 1612?—I really am not able to say.

Would you object to stating the nature of those extracts?—I have not the least objection; I have a difficulty arising from want of memory, but I have not the least objection so far as I do recollect them.

Were they different in substance from the printed regulations which were laid before you?—No, what I mean by extracts, is names of individuals, and of acts done, resolutions entered into, and things of that description. I have had an opportunity of seeing them, but I cannot undertake to recapitulate them.

Mr. *Thomas Sibthorpe* was called; in and examined

By Colonel *Barry.*—What is your situation? —A medical student.

Were you present on the 17th of December when a company was assembled at your father's house?—I was.

Who were there?—My father, Mr. Sibthorpe, my step-mother, my sister, the sheriff and his wife, William Graham, and John M'Connell.

Was a man of the name of Jackson there?—And John Jackson.

Did you ever hear that John M'Connell made an affidavit that sheriff Thorpe said he had an Orange panel in his pocket?—I did.

Did you hear any such expression made use of by sheriff Thorpe?—I did not.

Do you think it could have been made use of without your having heard it?—I do not think it could.

By Sir *J. Mackintosh*.—Was there any political conversation passed in the room that evening?—The conversation principally turned on the riot in the theatre.

Did Mr. M'Connell take any part in that conversation?—Not more than the rest; I made no remark on his taking part.

Do you remember that he said any thing gross; or threw out any gross reflections on any body in the course of the evening?—I do not recollect that he did.

Do you recollect any conversation about the lord mayor?—It was rather an observation.

By whom?—By Graham: It was during the time we were playing at cards; on throwing down the knave of clubs, he made use of the expression, "bad luck to you, Fleming."

By which he meant the lord mayor?—I suppose so.

Was there nothing said about the lord-lieutenant?—There was no conversation about the lord-lieutenant.

Was there no observation made about him?—The sheriff made an observation.

What was the nature of his observation?—That he wished the marquis Wellesley at the devil.

Was he playing at cards, or was it before or after cards, that he made that observation?—It was when going away.

Did he make that observation loud enough to be heard by every body present?—Those that were at a distance might not have heard it; those that were near him would.

Did you hear any conversation or observation made about the bottle?—No particular conversation do I recollect about the bottle; the bottle was merely mentioned as having been thrown.

Was there no question put to Graham, whether the bottle was or was not thrown?—I do not recollect any.

You are not certain, though you heard that civil remark of the high sheriff respecting the lord lieutenant, that all the other persons in the room heard it?—I can only answer for myself.

Then the sheriff might have made remarks respecting the Orange panel which you did not hear also?—I rather think not, because we were all seated at that time, but this was when he was about to depart.

That was his farewell remark, was it, his farewell benediction?—I cannot say.

How do you happen to recollect so exactly and correctly the precise time at which that remark was made?—I really cannot say how I can recollect it, but by its striking me and my keeping it in my memory.

Do you take upon you to say with absolute certainty that sheriff Thorpe did not use those words about an Orange panel?—I do most assuredly.

Supposing another person in the company to have stated to the committee that they heard that observation, supposing a second witness had said he had not heard sheriff Thorpe made any remark about lord Wellesley, might not the remark about the panel have been made without your hearing it?—I have said that we were all seated together during the time that remark was supposed to have been made, but that the sheriff was going away, and we were scattered, and possibly some might have been near and some at a distance from the sheriff when the other was made use of.

How do you know when that remark about the Orange panel was supposed to have been made?—I spoke to M'Connell about his having made oath that such conversation had taken place; I waited on M'Connell on the 26th Dec. or the 27th, having heard that he had made such an assertion, and I stated that I had not heard any such conversation take place, nor had any of our family, and that I was willing to make affidavit if necessary; and he replied that he supposed that I thought so or I would not say so.

By Mr. *Plunkett*.—Did M'Connell say any thing to you which enabled you to state the particular time at which that remark on the panel was supposed to have been made?—No.

By Sir *J. Mackintosh*.—You have said, that the remark about lord Wellesley might not have been heard by other members of the company, because Mr. Sheriff Thorpe was then near the door, can you take upon yourself to say, that the remark about the panel might not have been made in the room and you not have heard it; what was the difference of circumstances which enables you to say, that the one remark could not have been made without your overhearing it, and that the other might have been made without other members of the company having heard it?—There was no conversation after that.

Was there no conversation very long before that?—The whole night.

How can you say, that the remark about the panel could not have been made during the whole preceding period of the visit, by Mr. Sheriff Thorpe at your house, and you not have heard him; what is the difference between that remark and the other?—On sheriff Thorpe's departure, I stated, that the company were up in various parts of the room, and that no conversation occurred after that; so that it could not have occurred after that, because he went away.

Might not sheriff Thorpe have made that remark about the panel before that remark which he made about lord Wellesley?—We were seated; unless in a very low tone, or rather in a whisper, it could not have been made.

During the whole period, from the entry of Mr. Sheriff Thorpe into the room, till the moment of his going away, it could not have been made without your overhearing it?—Unless it was made in a confidential tone. The room was so small.

By Mr. *Peel.*—When you were asked first, how you happened to know the particular part of the evening at which this remark was alleged to have been made about the panel, you went on to say, you had a conversation with M'Connell; what was that conversation; did M'Connell tell you any thing that helped you to fix the time when he stated that remark to have been made?—I said he did not.

Did you or not mean to allude to a particular time of the evening when that remark was supposed to have been made?—I said that after the observation alluding to the marquis Wellesley, Mr. Thorpe went home.

Have you read M'Connell's evidence that he gave before this committee?—I have in the paper.

M'Connell states, does he not, that it was made at a certain period of the evening?—Yes.

Does not he state that that expression was made use of by sheriff Thorpe, soon after you passed him in the room, and said to him, "When will these poor fellows be brought to trial?"—So I read.

At what time did the party begin?—About eight.

At what time did you sit down to cards?—Some short time afterwards.

How long did you continue playing at cards?—Till about eleven.

How soon after the card party had finished did sheriff Thorpe leave the room?—Almost immediately.

By Mr. *R. Smith.*—To whom was it that sheriff Thorpe made that observation about the marquis Wellesley, was it to yourself?—It was rather generally, I should think.

Was this the first time you had heard the marquis Wellesley's name mentioned that evening?—Except about the riot at the theatre, no conversation relative to him.

This was the first observation you heard made in his praise or his dispraise?—Yes.

Did not you consider it a little extraordinary that for the first time, just as a man was going out at a door without any thing to lead to it, he should say, "I wish the lord lieutenant was at the devil"?—Indeed, I do not know what I thought of it.

Is it to be understood that it was uttered just like a grace after dinner, without anything introducing to it?—Indeed I do not know.

Did not you hear sheriff Thorpe express any wish that lord Wellesley was out of the country?—No, I did not.

John Crosby Graves, esq. was called in; and examined

By Colonel *Barry.*—What is your situation in life?—I am a barrister and magistrate of the head office of police in Dublin.

You recollect the riots that happened at the theatre, on the 14th December?—Yes, I attended at the theatre on that night.

There were certain persons accused of having been active in those riots?—Yes.

First of all there were two persons taken up for that?—I understand three, two Handwiches and George Graham.

Did you commit those persons?—No; those persons were carried to the office of the sixth division; the police division in which the theatre is; they were there examined, and the informations taken in that office.

Do you recollect, when Forbes was first named as a rioter?—He was first apprehended in the theatre by myself.

Was he detained then?—He was not then detained; he was taken to the watch-house; he there gave bail, under my direction; and on the following morning, there were no circumstances at the time of sufficient importance, to be considered a foundation for any serious charge.

He was afterwards accused of rather a serious charge; do you recollect what that charge was?—The charge was of a conspiracy, to kill and murder the lord-lieutenant.

Was not the state of public feeling in Dublin considerably exasperated?—It was very highly excited.

In a case of high exasperation of public feeling, do you not think there is a considerable difficulty in obtaining a panel of fair and impartial men to judge a question of that nature?—I should conceive so.

Do you think the committal of Forbes, for that capital crime, tended to increase that exasperation?—It was one of many circumstances that might so contribute.

Did you commit Forbes for that crime?—I did not sign the committal for Forbes.

Was it ever proposed to you to sign his committal?—No; there were grounds why I think it was not proper for me to sign that committal, nor the other two committals for the capital charge. The two informations respecting the other prisoners, and the facts respecting them, were deposed to in the sixth divisional office of police, the College-street office; the informations against one of the Handwiches, Henry Handwich, and George Graham, against whom there were capital charges preferred, were sworn in that office; the informations not being before me, it was not for me to sign them; I sent for the magistrate of the office, before whom they had been sworn; he had the informations before him, and he signed the committals against those two men; in the case of Forbes I was myself a witness; I had apprehended him, I had made an information which was part of the evidence to affect him, and it did not strike me as at all proper for me to be the committing magistrate.

Had you any other reason for not signing that committal?—I had made a statement in the way of deposition against him, on facts coming within my own knowledge at the time of his apprehension; and I mentioned it to my brother magistrate, as a reason why I should not be the magistrate to commit.

Did you subscribe the information upon the capital charge?—I subscribed one or two informations, which seemed to me afterwards, when attending upon the trial before the petit jury, to be one of the principal informations affecting him, with respect to a conversation taking place after the performance at the theatre, and giving a more serious colour to the case than it had struck me in, when I had apprehended him.

Did you subscribe the jurat of the information upon which the capital committal took place?—I cannot say that; I subscribed one information, as to a transaction taking place in Essex-street, after the representation was over, which I believe was of as serious a nature as any other information sworn, except that another party, who was present at the same conversation, and who did not swear the information before me, did recollect that conversation, I believe, more fully, and did state something which more considerably affected Forbes, than did the informants who gave the information before me.

Did any information which you subscribed warrant a committal on a capital charge, in your opinion?—If I had had the case before me in the ordinary way, simply upon the informations that were sworn before myself individually, I should not have shaped a capital committal on anything which had been deposed to before me.

Was it proposed to you to commit upon the capital charge upon those informations?—I got no immediate direction upon the subject; one of my brother magistrates came into the office and stated, that it was directed that three of the persons charged were to have capital committals made against them; he came from the council-chamber, and he stated that it was by the attorney-general, or by the law officers, I do not know which.

Were you required, or desired, to sign those capital committals?—No, that was all that passed upon the subject, in the way of a direction; the committals were then framed accordingly.

Would it be likely for a sheriff to talk of his having a panel in his pocket, before the offenders had been committed?—I should think, speaking *à priori*, it would not have been likely.

William Leadour called in; and examined

By Colonel *Barry.*—Did you know a man of the name of James Ormsby?—I did; he is dead.

Shortly previous to his death had you any conversation with him?—I had; in the beginning of March, I called upon him for the purpose of getting a book of mine which I heard he had: I found him in a very dangerous state of health; when alone in his room, and speaking with respect to the termination of the trials for the riots at the theatre, he said, "The lads have come off much better than might have been expected, they little knew that it was poor James Ormsby, who will be soon going to Davy Jones, who threw the pieces of wood."

Did he die shortly after?—In the course of a month.

Was he a low sallow man?—He was.

Do you know whether he had made that communication to any body else?—I have heard he told it to George Graham, the person who was accused of having thrown those missiles.

Do you know why your friend supposed those lads had got off better than might have been expected, if they were not the persons?—I should presume by their not having been found guilty.

At the time you had the conversation with Ormsby, did he appear to you to be apprehensive of his approaching dissolution?—I am decidedly of opinion, that it was under that impression he made the declaration to me.

By Mr. *Goulburn.*—Had your friend Mr. Ormsby been long ill?—He had been in a bad state of health a good while, nearly a year.

Was he in the habit of attending the theatre?—I cannot say.

Had you seen him frequently before this?—I had seen him as a visitor in the prison of Newgate, where the traversers were confined; I went to see Mr. Forbes at the time he was confined there.

Did Ormsby go there for that purpose?—No; but for the purpose of seeing the Handwiches.

Do you suppose he would state to Handwich that he threw the rattle?—Indeed, I would suppose so.

Do you think it likely Handwich would keep that secret?—I think it probable he would.

Was not it possible to get evidence, that Ormsby had thrown the bottle?—I was not in the theatre, and cannot state what passed there that night.

Do you remember making any inquiries about a person of the name of Farrel?—I do perfectly.

Who was examined as to the throwing the bottle?—Yes.

What inquiries did you make concerning him?—Sometime in the last week of December, a person called on me and stated, that he had heard Farrel say, at the door of the police office, in College-street; that, thank God, his oath was taken, and now they should have satisfaction of the bloody Orangemen. I having a wish that matters should be set in a fair way, and that the parties accused should be honourably acquitted, inquired who Farrel was, I found out his occupation and residence; and the person who made this communication to me, I requested he would go to his abode to recognise him; on the day of the trial, he went there, and returned to me, and told me, it was the same person; and that if he would come forward and swear that Handwich was the person who threw the bottle, he was ready to swear that he had made use of this expression at the door of College-street police office.

Was that person examined?—He was not called.

By Mr. *Brougham*.—Were you intimate with the prisoners?—I was particularly intimate with Mr. Forbes, Mr. W. Graham, and Mr. Brownlow.

You are what is commonly called an Orangeman?—I am.

Are you a purple-man?—I am.

You have taken the Orange oath?—I have.

And the purple oath?—Yes.

Were you intimate with Mr. Ormsby?—I was not; I had seen him about a year back; but I never spoke to him in my life, till the time the traversers were in confinement.

At that time Mr. Ormsby was very ill?—He was, but was able to be out.

Then when he talked about the Mr. Jones, in the way you have described, he had not the prospect of death?—I did not mention Mr. Jones.

Davy Jones?—Yes; that was in the month of March; I am speaking of the last week in December.

When had you that conversation with him?—The time he made use of that expression to me, was the first week in March.

Was he very ill then?—Very ill indeed; he was sitting up to have his bed made, he never left his room after that.

Was he in that state of mind, that a person usually is in the prospect of dissolution, when he used the expressions which you have just stated?—I consider him to be perfectly in that state of mind, so much so, that a clergyman had been with him, I believe, an hour before.

What made you so anxious that the prisoners should be honourably acquitted?—Being a particular acquaintance, I felt sorry that an imputation of the kind should be made against them.

You felt no peculiar interest in consequence of their belonging to the same system as yourself?—Certainly; I considered that the same odium would be brought against the system, and that, together with my individual feeling for them, roused me to exertion in their favour.

Robert Gilbert called in; and examined

By Colonel *Barry*.—What is your situation in life?—I am the under gaoler of Newgate in Dublin.

Do you recollect any person coming to the gaol of Newgate, for the purpose of seeing the prisoners who were confined for being concerned in the riot at the theatre on the 14th of December?—I do.

Do you recollect any person pointing out one of them, as the man that threw the rattle?—I do.

Who was that person?—I have heard since that it is a Mr. Lewis.

Whom did he identify as the person who threw the rattle?—A man of the name of Ormsby; a man in the last stage, as I thought at the time, of a consumption.

Major Tandy was present at this?—He was.

When did this take place?—I think the day or the day but one after the prisoners were fully committed.

Lewis pointed out Ormsby as the one who threw the rattle?—He did; there were about ten prisoners in the yard where the man was; I was asked to show the prisoner Graham which I declined doing: I said it was not my practice to show any man singly, but I would show the yard where he was; I brought them up to an eminence and said, "Gentlemen, the prisoner is in that yard." Ormsby was talking to Matthew Handwich, and he pointed over his finger and said, "That is the man." I was greatly astonished, and after some little delay, said, "Sir, I think you are mistaken, for that man is not one of the prisoners." He then seemed to be more positive as to his dress than to his features.

You are sure that major Tandy was in a situation to hear all that passed?—Certainly, he was not further than this gentleman from me.

Did not you point out Graham to Lewis?—Not till after he had asked me if I would show him, and I said I would then.

You are positive he pointed out Ormsby in the first instance?—Certainly.

What passed when Lewis pointed out Graham?—There was some conversation between him and major Tandy, which I did not mind; Mr. Tandy being a magistrate I did not interfere between him and Mr. Lewis.

Did not Mr. Lewis say something to you upon the subject?—No, I think not.

Did any other persons apply to you to point out Graham to them?—No, not Graham.

Or Forbes?—The prisoners in general, I was asked to show them all; I recollect on new year's night there came the crown solicitor to the gaol, with a gentleman whose face was covered so that I could not see, and he asked me to bring the prisoners, and to place them in a situation with other persons, that they should be inspected. I brought them all down into one of my own apartments, and placed them in a room, and the gentlemen walked up into the room, and the gentleman who came to identify them, I recollect, identified a man of the name of Davern, who was in custody for forgery for a length of time before; I then told the gentleman he must have been mistaken, for that person was in custody for a long time before the riots in the theatre; he then requested I might bring down Forbes and show him; I told him I did not think that would be right, that he was in a most conspicuous place in the room, and I did not think it would be treating him well to show him singly.

Did you afterwards learn who that gentleman who was muffled up was?—A Mr. Vignoles, one of the lord-lieutenant's aide-de-camps.

Did not you consider it a circumstance of some considerable importance, when Lewis pointed out Ormsby as the person who had thrown the rattle?—I did.

Was the circumstance of its being in major Tandy's hearing, a circumstance that made you think it was unnecessary to make it known to persons in authority?—Yes.

Major Tandy is a police magistrate?—Yes.

On what day did this take place?—I think a day or two after the prisoners were fully committed.

By Lord *Milton*.—Do you know who Lewis is?—Sub-sheriff of the county of Kildare.

When Lewis stated, that Ormsby was the person who had thrown the rattle, did he state it upon his own knowledge or common report?—On his own knowledge.

Did he state, that he had seen it?—He did; that he was in some situation in the boxes, that he could see him and had a clear view of him.

He was quite certain Ormsby was the person who threw the rattle?—Yes, he seemed to be quite certain at first; but when I told him, he was not one of the prisoners, he seemed not to be so certain as to his features, but more certain to his dress.

When you told him, that Ormsby was not one of the prisoners, some doubt was thrown upon his mind whether he was the person?—Certainly: and I thought him quite mistaken myself at the time.

Did not Mr. Lewis ask you whether Graham had not changed his dress?—He did.

Did you ever mention to the Handwiches, or any of the prisoners, the fact that Mr. Lewis had pointed out Ormsby?—I went down immediately, and said, "What is your name?" He said, "My name is Ormsby." I said, "There was a gentleman after pointing you out as the person who threw the rattle; were you at the theatre that evening?" He said, "I was at the theatre." I observed while I was talking to him he seemed a good deal agitated. I said, "When you were at the theatre, had you this coat on?" He said, "No, I had not this coat upon me." I asked him this, in consequence of the gentleman seeming to speak more to his dress than to his person.

Did you ever mention to the prisoners that Ormsby had been pointed out as the man?—I did.

Did sheriff Thorpe ever visit the prisoners in gaol, the traversers?—He did.

By Mr. *Ellice*.—Can you account for the reason of your not having been called on the trial, after having acquainted the Handwiches and other prisoners of this error in Mr. Lewis in pointing out any improper person; were you summoned on the trial?—No, I was not, but I attended the trial almost every day.

You were not called?—No; they told me, if that gentleman was produced, it would be then necessary to call on me.

They did not think it necessary to show that Ormsby had been pointed out as the person who threw the rattle?—I suppose they did not, or they would have produced me.

Do you mean to say, you communicated to them before the trial, that a gentleman brought there by major Tandy, had identified another person as the person who threw the rattle, but that they did not produce you?—Yes.

Were the prisoners visited by their counsel or agents between the day of which you are speaking, and the trial?—They were; and their agent was in possession of that fact; I told it to the agent.

Who were they?—Mr. Fearn was one; and Mr. Chambers was the other.

You were in court when the case was before the petit jury, in February?—Yes; I am obliged to attend all the trials.

Was any thing said about this on that trial?—No, not a word.

By Mr. *Denman*.—Were Graham and Ormsby like in person?—They were alike in height, but Ormsby had a stoop; the other was a strait stout little fellow.

Who told you that the person who pointed out Ormsby was Mr. Lewis?—It was Mr. Stodart, a police magistrate.

Henry Cooper, esq. called in; and further examined

By Sir *J. Mackintosh*.—At the time Mr. Poole came to you, to ask to be put on the grand jury, did you tell him to go to Mr. Sheriff Thorpe?—I referred him to Mr. Sheriff Thorpe.

Did you and Mr. Sheriff Thorpe settle the panel immediately after the receipt of Mr. Kemmis's letter?—I attended the Sheriff's office, and retired into a room from the public office, and there we examined the panel which he produced.

Was that immediately after receiving the letter of Mr. Kemmis?—I think it was the day after I received it; but I cannot be particular as to dates.

Have you reason to believe, that you lost no time in settling the panel after receiving that letter?—The regulation of the panel was for the purpose of giving it to the sub-sheriff for his record panel; I think there was no alteration from that, whatever.

Was not that panel settled before Mr. Poole came to you, and had that conversation with you?—I am almost certain it was not.

The House resumed. The Chairman reported progress and obtained leave to sit again.

HOUSE OF LORDS.

Monday, May 12.

NEGOTIATIONS RELATIVE TO FRANCE AND SPAIN—FOREIGN POLICY OF THIS COUNTRY.] Earl *Grey* rose and said, that when he recollected the importance of the war now carrying on by France against Spain—when he adverted to the consequences likely to result from it, and the manner in which it would affect this country, as well as the dangers which threatened the peace of Europe, he was assured their lordships would feel with him the necessity of having before them every paper on a subject of such paramount importance. He should not, therefore, trouble the House with any further apology for the motions which he intended to make, with a view of throwing a light on the subject. The first point on which he wished to obtain some information was one which had created some sensation; and he should be glad if any thing satisfactory could be added to what had been said in explanation of the transaction in another place. He alluded to the capture of a Spanish ship by a French man of war, which must have sailed from France before the advance of the French army, and must, therefore, have had her orders whilst the French government were making those pacific assurances on which his majesty's ministers had relied for the preservation of peace, and on the faith of which they had induced this and the other House of Parliament to abstain from all inquiries with a view to the accomplishment of their hopes. It was with a view of enabling his majesty's ministers to contradict, on the part of the French government, what at present appeared an act of the greatest perfidy, that he now mentioned the matter. If this country could stand by, and see the greater infamy of the invasion of Spain by France, because the former had made alterations in her constitution which concerned herself alone—if we could see this odious and indefensible aggression, and think the interests of this country required us to maintain a strict neutrality, he did not think we had any right to interfere in that lesser act of robbery and plunder—the seizure of the Spanish ship before the French army had marched, and whilst negotiations were still pending. It was with the view, therefore, of relieving the French government from this act of perfidy and villainy that he thought himself now called upon to ask for some explanation, and with a view also to relieve his majesty's ministers from the odium of having been so grossly deluded. He had before alluded to what had passed in another place, when a secretary of state was stated to have said, "that a representation was immediately made to the French government, the answer to which was, to a certain extent, satisfactory:" but as all the facts must have been long since ascertained, he thought there was no reasonable ground for refusing the papers which he now wished for, in order to a full understanding of the transaction.

The next point to which he wished to call the attention of the House related to an act of the provisional government established in Spain, he believed, by the duke d'Angoulême, but certainly under the protection of the French government and army. He had read in the public papers a proclamation by that provisional government, in which they declared, that all acts done by the present government of Spain, since 1820, should be null and void. The consequence of this would be, that not only all acts of an internal nature, but all engagements with foreign powers, including the engagements made with this country, to render satisfaction for injuries done to our trade in the West Indies would be null and void. This proclamation was made by the provisional government, and must be supposed to have the sanction of the duke d'Angoulême. He should be glad if it were not so; but he thought his majesty's ministers were bound to show that they had made representations to the French government on a subject so deeply affecting our interests, and to show also what satisfaction they had obtained. This was a point on which he thought representations ought to have been made, and respecting which, he should wish the House to be in possession of the answers given; of course limiting his motion to copies or extracts, which would enable his majesty's ministers to withhold any thing of a secret nature which it might be improper to make public.

The third point was one which he considered of very great importance. It related to the state in which France stood with respect to the sovereigns assembled at Verona, and went to show whether France was acting with the assurance of their assistance and support, or whether France was engaged in a strictly national war, to which those great powers were no parties. This appeared to him a point of very great importance, and one in which the interests of this country and of the world were essentially concerned. The consideration of this point necessarily led him to what had passed in the course of the late negotiations; and, after every attention which he had paid to the subject before the discussion, and since, he was confirmed in the opinion which he had already stated, that on no occasion in the history of this country, had its interests been so betrayed, its honour so tarnished, and its power and prosperity exposed to so much danger, as they had been by his majesty's government in the course of that negotiation. He felt that he was called upon, not only to establish the propriety of granting the papers for which he asked, but also to establish his own right to call for them. On a former night the noble earl opposite had alluded to opinions of his (earl Grey's) stated on another occasion. The noble earl had not stated them very distinctly, and he (earl Grey) had only given a short explanation, in which he undertook to show that there was no variation in the opinions he had held at the time to which the noble earl had alluded, and at the present moment. That was the position which he had undertaken to maintain, and which he felt it necessary to maintain, in consequence of the attack which had been made upon him in another place. For what purpose he would not now stop to inquire; but he felt that some apology was due to their lordships, as it was of no importance to them what his opinions were, either now or at any former period; since it was not by the opinion of any individual that their lordships would govern themselves, but by the reason and circumstances of the case. But it was of some consequence to him that he should not be thought to entertain opinions liable to change and vary with every slight alteration of the political compass; and it was of some consequence, also, to the cause which he undertook to advocate. He was now adverting to the opinions which he held in the year 1810, and he wished to recall to their lordships' recollection the grounds of the policy which he had recommended to their lordships, when the subject was then brought before them. He had then stated, that to justify this country in a warlike interference, there should not only be a just cause of war—and that an essential interest of this country should be involved in it, but that, after we were satisfied on these points, we should also be assured that we had probable means of acting with effect and success. Those were the principles he had then stated; and they were so incontrovertible, that he need waste no time in illustrating them. They were not principles of to-day or yesterday, but were applicable to all times, and all circumstances. It was to the supposed contrast of those principles that he would now call their lordships' attention; and in reading that speech, he begged to assure their lordships that for the publication of it he was in no degree responsible, though he believed it stated his sentiments correctly, as he felt assured that they were then, and now, the opinions which he entertained; though, probably, better expressed than he had expressed them. He had no hesitation in avowing, that he had never corrected but two of his speeches; one of which he delivered in 1807, and the other was a speech on the circular of the noble viscount (Sidmouth) whom he did not now see in his place. The noble earl then read the following extract from the Parliamentary Debates of 1810:

"But I cannot concede to the sentiments of the noble marquis, the inference which his declarations assumed, that in order to warrant this country to embark in a military co-operation with Spain, nothing more was necessary than to show that her cause was just. In my mind, my lords, in passing judgment upon such a policy, it was not enough that the attack of France upon the Spanish nation was unprincipled, perfidious, and cruel; that the resistance of Spain was dictated by every principle, and sanctioned by every motive honourable to human nature; that it made every English heart burn with a holy zeal to lend its assistance against the oppressor: there were other considerations of a less brilliant and enthusiastic, but not less necessary and commanding nature, which should have preceded the determination of putting to hazard the most valuable interests of the country. It is not, my lords, with nations as with individuals. Those heroic virtues which shed a lustre upon individual man, must in their application to the conduct of nations be chastened by reflections of a more cautious and calculating cast. That generous magnanimity and high-minded disinterestedness, proud distinctions of national virtue (and happy are the people whom they characterize!) which, when exercised at the risk of every personal interest, in the prospect of every danger, at the sacrifice even of life itself, justly immortalize the hero, cannot and ought not to be considered justifiable motives of political action, because nations cannot afford to be chivalrous and romantic. Before they engage in any enterprise which is to be supported by the exertions and energies of the people, it is the duty of the government to see, first, that there exist the means of rendering them effectual; secondly, that there is sufficient policy to warrant the application of the means; and, lastly, that there are grounds of probability to induce a hope of success. It is only by an attention to such preliminary considerations as I have stated, that the affairs of nations can be prosperously or even safely conducted."

This had been relied upon, in another place, as exhibiting a contrast to the opinions which he held at the present moment; with what view he could not imagine, except to induce a belief that he had then recommended something like a shrinking from the cause of Spain which he at present advocated; but on this subject he could confidently appeal to those with whom he had private communications at the time, that when that most unprincipled, that unparalleled (he had almost said) attack on Spain took place (but now no longer unequalled), he had from the first moment of resistance, wished success to the Spaniards. There was no assistance likely to contribute to that end, and within the means of the country to afford, that he was not desirous of giving them. And in that opinion he differed from a friend of his, with whom he was connected by the ties of relationship and mutual regard, and with whom he had often fought, under Mr. Fox, the battles of the constitution. The noble earl here read the following extract from the address to his majesty, with which he had concluded his speech on the occasion referred to:—"To state to his majesty that we cannot doubt his majesty's readiness to embrace the first opportunity of concluding a peace on just and reasonable terms; but that looking to the nature of the contest in which we are engaged, to the power of France, now unhappily established over the greater part of Europe, and to the spirit and character of the government of that country, we are convinced that this event, so anxiously desired by his majesty's loyal people, will be best promoted by proving to the world, that while his majesty is actuated by the most just and moderate views, we possess the means of permanently supporting the honour and independence of our country against every species of attack by which the enemy may hope to assail them." He could confidently appeal to that very speech to show that his feeling, as to the attack on Spain, was the same then as it was now. Whatever of difference there was, arose only from difference of circumstances, and related solely to the most advantageous mode of carrying on the war in which we were engaged, and which we were bound to support. He thought he had sufficiently proved the uniformity of his opinions as to the case of Spain, and that the only difference could be as to the mode in which it was to be supported. Looking to the situation of Spain and Europe in the years 1809 and 1810, it did not appear to him that the employment of all the disposable military force on which we had to depend for our own preservation against the most alarming power that ever threatened the peace of the world, was the best mode of maintaining the cause of Spain; and, taking the same data, he should still entertain the same opinion. What, in the year 1810, was the situation of Europe? Holland was at the disposal of France; from Italy she drew some of her finest soldiers; Sweden had declared war against us; and Denmark, by an unjustifiable aggression which he should never cease to reprobate, indulged the bitterest enmity against us. Austria, after the defeat of Wagram, had concluded a peace with France, and the emperor Francis, as a confirmation of it, had married his daughter, Maria Louisa, to Napoleon. Russia also followed in the train of vassal states, having submitted to Buonaparté, who was at the head of armies that had conquered the world. He possessed not merely the forces of France, but of the whole peninsula of Italy, as the instruments of his ambition, and passively subservient to his purposes: he threatened the extinction of the last remains of independence in Spain. What, too, was the situation of Spain? The passes of the Sierra Morena had been forced, and so completely had the French troops overrun that noble kingdom, that they were quartered in Seville. True it was, that they had at last been driven from the Peninsula, and it was at the present moment highly encouraging to reflect, that notwithstanding all the disasters they had at that time suffered, they had been still able to afford an apparently desperate but an effectual resistance. The expectations of the French in 1810 might be gathered from a dispatch of marshal Soult, dated on the 27th of January in that year, which was couched in such terms as almost led to the supposition that the duke d'Angoulême was at this moment provided with the identical secretary. Marshal Soult talked of the happy and placid countenances of the people indicating the delight with which their deliverers were hailed, adding "that king Joseph was every where received with enthusiastic joy; in short, the whole nation appeared desirous of submitting, being sick and tired of the sufferings to which they had been so long exposed." The French were then in military possession of the whole of Spain, with the exception of the Isle of Leon, and even there the French had established a fort from which they bombarded Cadiz. Under such circumstances, he would ask whether any reasonable hope could at that time be entertained that the French would be finally expelled from the Peninsula; particularly when the House recollected, that the result of the most brilliant victory of Talavera had been, that the noble duke opposite had been obliged to retire to the lines of Torres Vedras, leaving his sick and wounded at the mercy of the enemy? He had there, indeed, conducted himself with a degree of skill that had subsequently raised the military renown of his country to the loftiest height; but he felt justified in saying, that while affairs were thus situated, any man might have reasonably objected to the burthensome and almost hopeless sacrifice of sending an additional army to Spain. He had objected to it, but events had disappointed him; and when he said this, he hoped that the fit sense would be put upon the word he employed; for, in the issue of the contest, no man more sincerely rejoiced than himself. There were three events that he had not foreseen. First, that Napoleon would in this instance, for the first time, depart from that principle which in former cases had been the main cause of his success; namely, that of finishing that one enterprise before he began another. After the retreat of sir John Moore he had not expected that Napoleon would divert his forces towards Austria—that before he had completed the subjugation of Spain, he would have laboured to establish what had been termed the continental system against the trade and commerce of Great Britain, or that he would have meditated and commenced a new attack upon Russia. Pleading guilty to the charge of having limited his views to the ordinary extent of human faculties, he would observe that in the second place, he had not foreseen that the government of Spain, driven to the Isle of Leon, would be able to make the heroic resistance which the world had subsequently witnessed. When he considered the courage, the perseverance, the unconquerable resolution displayed by the people of Spain in that memorable struggle—when he recollected that the cause for which she fought was not only her own, but the cause of the world—when he reflected that Louis 18th owed the crown he wore to the bravery of Spain, and that Great Britain was indebted to that land both for her renown and her security—when he remembered that the invincible spirit displayed to an admiring world by the Spaniards in the Isle of Leon, was not less to be admired than the bravery of Rome when Hannibal was at her gates, he could scarcely restrain his indignation within the bounds of parliamentary decency. He had said, that the invasion of Spain by Napoleon was unprincipled, perfidious, and unjust; the invasion of Spain by Louis 18th was not less unprincipled, less perfidious, or less unjust, with this additional distinguishing and odious quality—that it was marked by the blackest ingratitude. He did not wish needlessly to speak of sovereigns with personal disrespect, nor did he mean to apply the words which he had used personally to the king of France; but the government of that monarch had induced him to turn his arms against that very people whose heroic exertions had restored him to his throne. There was also a third point which he had not foreseen. In 1810, he had witnessed the disgraceful convention of Cintra, the calamitous expedition to Walcheren, and the unfortunate retreat of sir John Moore to Corunna. These instances of mismanagement had led him to entertain little hope of the future efforts of the then administration; he had not looked forward to the display of that great military genius on the part of the noble duke opposite which had finally re-established the independence of Europe.

Such was his justification—if a justification were necessary—of the opinions he had then held as to the state of this country, as to the dangers of the Peninsula, and as to the mode in which the war should be conducted. That justification was complete, unless the absurd principle could be established, that where Spain was concerned, it was necessary to act by certain fixed and invariable rules, and not to vary the system of policy according to the circumstances of the times. He had been often taunted with the failure of his predictions; but he should have been surprised if he had not entertained the opinions he had expressed, knowing, as he did, that they were sanctioned by the approbation of every military man he had at that time consulted. Admitting, then, that he had been mistaken in 1810, there were subsequent periods in which he had qualified, and explained, and even changed his sentiments. Nobody could know better than the very person who had made this charge, what had subsequently fallen from him (earl Grey) upon this subject. After the year 1810, a great change of circumstances occurred. Before 1812, the noble duke opposite had opened a new and a brighter prospect of success. In 1812, the right hon. gentleman who now arraigned his consistency was out of office, and in the March of that year, a noble baron, now a noble earl, and who sat on the opposite side (Borringdon) made a motion for a more efficient administration. That motion he (earl Grey) had supported; and here he begged leave to refer to the speech he had then made, observing, in the first instance, that the motion was not made without the concurrence of the present secretary for foreign affairs. He (earl Grey) had said —"With respect to the policy which the circumstances of the present crisis demanded to be maintained in the affairs of the Peninsula, he certainly was not prepared to say that it was expedient to recall our troops immediately home; but he certainly did not wish to proceed on that expensive mode of warfare, without having some military authority, as to the probable result of it; and he wished, above all, to see the opinion of the illustrious commander of the forces in that country on the subject. No part of national policy was more open to repeated discussion, or more calculated to engender a diversity of opinion, than the most proper mode of carrying on foreign warfare. The first principle in the policy of all wars was, to inflict the utmost possible injury on the enemy, at the expense of the least possible injury to ourselves. Such a question, therefore, as that which related to the continuance of the present contest in the Peninsula, depended on a variety of considerations arising out of recent events, and the consequent and relative situations of ourselves and of the enemy. In determining on the expediency of any measure of this nature, he was to be guided upon calculations formed on an extensive combination and comparison of circumstances. He thought, and thought most decidedly, that a reduction of our expenditure was called for by reflections of the most urgent and powerful kind; and he should feel it to be his duty, before he could agree to the continuance of any continental enterprises like those in which we were now engaged, to take a wide survey of our own resources, to measure their extent, and the means of their application to the objects for the attainment or promotion of which they were proposed to be exerted. If the result of such an estimate were to establish any thing like a certainty of success in the schemes that were devised, all his hesitations and difficulties would be removed, and he should consider even the most extensive scale of foreign operations as recommended and supported by the principles of economy itself." That speech certainly had the vote and approbation of the noble marquis now at the head of the Irish government, who, of all men, was least likely to support opinions hostile to the vigorous prosecution of the war in Spain. With this document before him, it was a little singular that the person to whom he had alluded should have attacked his consistency, and, in order to do so, should have made a partial extract, which even taken by itself, did not bear that right hon. person out in the attempt he had made to contrast opposite opinions. It did not, however, rest there, for a further and more accurate explanation had been given. Their lordships would remember that in 1812, the death of Mr. Perceval unfortunately took place. Upon that event, the noble earl opposite, thus deprived of such powerful support, found it necessary to seek for new strength for his ministry. His first application had been to Mr. Canning, who thought it necessary to consult his friends, and the conclusion at which he arrived was stated in a letter dated the 18th of May 1812, addressed to the noble earl opposite (Liverpool.) Mr. Canning said—"The result of their opinion is, that by entering into the administration upon the terms proposed to me, I should incur such a loss of personal and public character as would disappoint the object which his royal highness the Prince Regent has at heart; and must render my accession to his government a new source of weakness, rather than an addition of strength. To become a part of your administration with the previous knowledge of your unaltered opinions as to the policy of resisting all consideration of the state of the laws affecting his majesty's Roman Catholic subjects, would, it is felt, be to lend myself to the defeating of my own declared opinions on that most important question —opinions which are as far as those of any man from being favourable to precipitate and unqualified concession; but which rest on the conviction, that it is the duty of the advisers of the Crown, with a view to the peace, tranquillity, and strength of the empire, to take that whole question into their early and serious consideration, and earnestly to endeavour to bring it to a final and satisfactory settlement." He did not stop to inquire whether the right hon. secretary had or had not changed his opinions with regard to the Roman Catholics, or whether the different circumstances of the times had induced him not to act upon them so strictly and rigidly as he expected of others. He did not expect that the noble earl opposite, with whom Mr. Canning could not then act because he would not "lend himself to the defeating of his own declared opinions," had changed his determination on the Roman Catholic claims. He did suppose that the noble and learned lord on the woolsack had relaxed from the severity of his tenets upon this "most important question." When it was proposed to send the right hon. secretary to India, the pain the learned lord had expressed could not be forgotten, and all must remember the valediction he had pronounced at his supposed departure. [Hear, and a laugh!]. It had been found necessary, however, to secure the services of the right hon. gentleman at home; but, in order to attain that important object, that *summum bonum*, he (earl Grey) did not believe that the learned lord on the woolsack had changed his notions as to the inexpediency of concession to the Roman Catholics. Who, then, had changed? for if any credit were due to the letter of Mr. Canning, it was quite evident that then, at least, he had made the "early and serious consideration" of that "most important question" a *sine qua non* of his acceptance of office. All he would say was, that when he read Mr. Canning's speech at Liverpool, he had told a friend who had been incredulous from the outset, that Mr. Canning would not go to India, and that the Roman Catholics would be abandoned. He alluded to these matters merely historically, and to show what right such a man had to set himself up as a judge of the consistency of others. This attempt to acquire strength having failed, lord Wellesley was empowered to enter into negotiations, and he, in conjunction with Mr. Canning and a noble friend now absent, made two propositions: first, that the state of the laws affecting the Roman Catholics should be taken into consideration with a view to a conciliatory adjustment; and, secondly, that the war in the Peninsula should be vigorously prosecuted with an adequate force. The first great object of the new ministry was, to lay the foundation of internal peace by a measure that would have avoided the million of woes by which Ireland had since been afflicted; and the second, the prosecution of the war in Spain, with a view to its conclusion, by measures of vigour and decision. Further explanations took places and, without going more at length into what passed, he (earl Grey) would merely state, that the result appeared highly satisfactory to the marquis Wellesley and Mr. Canning, and the negotiation was concluded in a letter, addressed by the former, to him (earl Grey), which contained the following passage:—"But I cannot omit this opportunity of assuring your lordship, that I have derived from the sentiments, so justly expressed in your letter, a firm expectation, that if the advice which I have humbly offered to the Prince Regent should be ultimately approved, a happy prospect will open to the country of recovering internal peace, and of prosecuting the war with success, under an administration worthy of the confidence of the prince and of the people, and equal to the arduous charge of public affairs, amidst all the difficulties and dangers of the present crisis." That the right hon. gentleman (Mr. Canning), in the teeth of such evidence should have made such a charge, was one of the most extraordinary occurrences that had ever taken place in the history of debate; he must add, that the proceeding was not only most extraordinary but most unfair [Hear, hear!]. But enough, and too much of this. Indeed, he should not thus long have detained their lordships, had he not felt that whatever weight he possessed with either party did not arise from any abilities he possessed, but from the consistency he had maintained.

He now came to the last branch of the

question, and should take the liberty of reading the motion with which he should conclude; it was "for copies or extracts of any communications made by the governments of Russia, Austria, or Prussia, as to their determination to make common cause with France in the present war against Spain, with any representations made on the part of his majesty against it; together with copies or extracts of any information transmitted to his majesty's government respecting the assembly of a Russian army on the Vistula, and of any representations made in consequence to the Russian ministry." For the production of the information here required, there appeared the strongest necessity. It was highly important for parliament to know whether the hostilities now waging in Spain was a war between nation and nation, or whether it had been undertaken on a common principle, and was to be supported by the forces of the coalesced powers. In the progress of the negotiations, he had observed many things with surprise. In the first place, he had been much surprised at being told, that ministers, previous to the interview of the duke of Wellington with M. de Villèle, had no expectation that the affairs of Spain would become a prominent feature of discussion at the congress of Verona. He had collected from the papers first produced, various passages which were at variance with such a statement; and lord Castlereagh's letter, as early as 1820, implied, at least, that some debate must take place regarding the state of Spain. A speech by the duke de Montmorency had been put into his hand since he entered the House, in which that noble personage expressed his astonishment at the professed ignorance of the British cabinet, because, as he contended, the question regarding Russia and the Porte having been in a great degree settled, and the British ministry refusing to take part in any discussions regarding Italy, there was in fact no topic left but the affairs of Spain to require the presence of a plenipotentiary from England. One of two conclusions must therefore be formed—either that ministers had been the most egregious dupes, and had intentionally shut their eyes to the truth; or that, rather than make no excuse for the course they had pursued, they had contented themselves with a bad one, and had thus endeavoured to impose upon the public. Of the last he was far from accusing them. The duke de Montmorency contended even that there was no occasion for France to commence the discussion with England, because it was all along well known to her to be the great subject to be decided at Verona. Another thing that surprised him was, that the noble duke opposite and his colleagues at home, on the three questions proposed by the cabinet of Paris, seemed to think that the apprehension ought to be, that Spain would make war upon France. Such an impression was most extraordinary; for the whole conduct of the allies showed that the intention was, from the first, to compel Spain to change the form of her government. It had appeared to him, that though France, from her proximity and greater convenience, was left to prosecute the war against Spain, yet that it was a common cause, and that the allied powers were bound to support France, should that support become necessary. Looking at these circumstances, he had not been a little astonished to find Mr. Secretary Canning taking great credit to himself for the success of the negotiations at Verona. That right hon. gentleman had appeared very indignant at the ridicule thrown upon his famous instruction of "come what may," although he (earl Grey) fully concurred in all the ridicule it had met with here and elsewhere. However, the right hon. gentleman insisted that that instruction had produced its effect—that it had prevented a joint declaration—that the congress broke up without a joint declaration in consequence of it—that though the ministers of Russia, Austria, and Prussia, presented their three notes, they were mere *bruta fulmina*, and that the question was reduced to a point between France and Spain only, with which the alliance had nothing to do. If such were the result, he (earl Grey) was very much deceived, and he should be most agreeably surprised to find that the neutrality of the allies had been secured; for, unless it went to that extent, it was good for nothing. Had not parliament, then, a right to call upon ministers to declare whether in their judgment this beneficial result had been obtained—whether France was engaged solely in a national war, and whether the allies were to be neutral on the one hand, and Great Britain neutral on the other?

But, the statement of the neutrality of the allies seemed at variance with the contents of the papers on the table, First, he found the following passages in a minute from the noble duke to the right hon. secretary, dated the 12th of November:—"On the 20th of October, the French minister gave in a paper requiring from the ministers of the allies to know, whether, if France should be under the necessity of withdrawing her minister from Spain, the other allied powers would do the same? In case France should be involved in war with Spain, what countenance the allies would give the former? And, in case France should require it, what assistance? To these questions the three continental allies answered on the 30th of October, that they would act as France should, in respect to their ministers in Spain, and would give to France every countenance and assistance she should require; the cause for such assistance, and the period, and the mode of giving it, being reserved to be specified in a treaty." Hence it seemed fair to conclude, that the impression of the noble duke was, that though France was put forward to commence the war, yet that the allied powers were engaged to give her what assistance she might require. In the despatch of the 20th of November, there was a further explanation to the same effect; and, though it might be true, that the allies made no joint declaration, yet they agreed with France, that if she engaged in a war, they would support her with their armies. [Lord Liverpool, across the table, indicated his dissent.] He should be glad to hear the noble earl's explanation of these documents, but what he had stated appeared to be their obvious and undeniable construction. In pursuance of their resolution, the three powers ordered their ambassadors to present their notes to the Spanish minister, and these notes, in no measured terms, reprobated the Spanish constitution, declaring it inconsistent with the happiness and peace of Europe. The allies then desired their envoys to leave the court of Madrid. They did so. Hitherto such a step had been considered the preliminary of a declaration of war: all amicable intercourse was suspended, and the step supposed a grievance not being remedied, rendered war an almost necessary consequence. The question, however, did not by any means rest here. What, then, did this country gain? "She gained," said the right hon. secretary, "this advantage, that the allies made no joint declaration." But, instead of this circumstance being an advantage, it seemed to him (earl Grey) a disadvantage. Looking, in a national point of view, to danger from the ascendancy of France, the putting her forward as the sole arbitress of the destiny of Spain was an injury to this country. He could not shut his eyes to facts. No doubt the war partly originated in hostility to liberty, in a detestation of freedom, in a resolution to suppress the efforts of mankind to ameliorate their condition by the establishment of free institutions; yet it was scarcely disguised on the part of the Bourbons, that they had also another object in view. Did not the noble earl know, that propositions had been made by France to Spain which bore on the face of them marks of the most determined animosity towards this country? Did not the noble earl know, that the French government had avowed itself bound to establish the system of Louis 14th? Did not the noble earl know, that at this moment the French ministry were daily employing a thousand men to enlarge and complete the basin of Dunkirk, as an advantageous station for the marine of France to be employed against the British navy? The war against Spain had been termed the effect of infatuation. He saw something worse in it: he saw in it injustice, perfidy, ingratitude; and he ardently hoped that the promoters of it would be visited by exemplary punishment. France was playing a great game; for if she succeeded, the power of the Bourbons would be placed upon a firmer foundation than it had hitherto occupied. The prevention of a joint declaration was at least only a formal advantage. But, had we gained even that? No: the authority of the duke d'Angoulême, in his declaration upon entering Spain, was decisive upon this point. He said, "The French government has for two entire years endured, with a forbearance without example, the most unmerited provocations; the revolutionary faction which has destroyed the royal authority in your country—which holds your king captive—which calls for his dethronement—which menaces his life and that of his family, has carried beyond your frontiers its guilty efforts. It has tried all means to corrupt the army of his most Christian majesty, and to excite troubles in France, in the same manner as it had succeeded by the contagion of its doctrines and of its example to produce the insurrection of Naples and Piedmont. Deceived in its expectations, it has invited traitors condemned by our tribunals to consummate, under the protection of triumphant rebellion, the plots which they had formed against their country. It is time to put a stop to the anarchy which tears Spain in pieces, which takes from it the power of settling its colonial disputes, which separates it from Europe, which has broken all its relations with the august sovereigns whom the same intentions and the same views unite with his most Christian majesty, and which compromises the repose and interests of France." The circular of the allied courts was in much the same terms, and it was signed separately by prince Metternich on the part of Austria; by count Nesselrode for Russia; and count Bernstorff for Prussia. They there spoke of the deplorable situation of western Europe, and of the state of confusion and disorganization in Spain, which was "hostile to the basis of the European alliance, which would dedicate to the safety of Europe all the means Providence had placed in their hands." He put it to the House, whether such a declaration would bear more than one interpretation, that interpretation being, that the allies would, by means of force, put down that form of government which they asserted to be in direct hostility to the principles on which the alliance was established. What ground, then, was there for the boast that that notable instruction "come what may," had produced a dissolution of the congress, had prevented a joint declaration, and had reduced the struggle in Spain from a war of alliance to a mere contest between France and Spain?

The noble earl proceeded to remind their lordships, that it was rumoured that the emperor of Russia had assembled an army of 120,000 men on the banks of the Vistula. What was the intention of such an armament as this? How was it destined to act? Did it bear no connexion with the attempt which had been made by France upon Spain? Their lordships would readily see that here alone a strong ground was furnished for that part of his motion which related to the production of all communications between this government and Russia, on the subject of the affairs of Spain. When they saw, too, that Austria was withdrawing her troops from Italy, and concentrating them in the Milanese, while in Prussia similar movements were carrying on on the frontiers, could it be denied that the strongest reasons existed for the production of all our communications with Prussia and Austria on the same subject? Let it be clearly shown whether or no these powers were pledged to make common cause with France in her iniquitous invasion of Spain. He was no advocate for needless hostility with any country. He dreaded war more than anything else, except the sacrifice of the national honour and integrity. No man, perhaps, had seen more of the miseries which were produced by war, or had stronger cause than he had for wishing that the remainder of a life, which could not be of much longer duration, should be passed in peace; but he felt strongly, that had our government conducted themselves more firmly and more wisely, the necessity of war might have been obviated. Had our representations been made in a proper tone, we should have had with us the feelings of all Europe, as well as of France herself. He was as convinced as the noble lord opposite could be, that if the Spaniards were an united people, success by France alone—(and perhaps he was not prepared to say that the same event would follow the union of all the allied powers, acting in concert)—was not to be obtained. She would, in such a case, possess not the most remote chance of success. Now, if this were true, with how much greater ease than was now practicable, could we have rendered that success yet more doubtful; and with how much greater certainty could we have relieved the Spanish people from the difficulties of resistance to France, or from those she was likely to experience from us! On a recent occasion, the noble lord had had recourse to an argument, not perhaps very consistent with his former feeling in the matter, namely, that Spain was a divided nation, insomuch that were he called on to take a part, he should not know whether to side with the party that was in favour of or against the government of Spain. He (earl Grey) had no hesitation in admitting the possibility, that if there were very many of those Spaniards who were disaffected to the present government, they might, assisted by French intrigues, French money, and French forces, succeed in working a counter-revolution in Spain; but his hopes, he confessed, still tended entirely the other way. He was bound, as upon this point, to give credit to the accounts relative to Spain which were received from France; and in these it was, that he observed the indisputable fact, that hitherto no Spaniard of any consequence had taken part with France. Still, he could not disguise from himself the possibility, that by such means as he had adverted to, a counter-revolution might be effected in Spain. And, what would be the consequences of such a counter-revolution? Ferdinand 7th might be restored to his throne, and reinstated in his despotic power; for as to the mockery of a constitution which might be given by him to his subjects, after being restored (as it was termed) by the French, that was a deception too gross, a delusion too idle, to be dwelt upon; nor would he detain their lordships upon a speculation so absurd, as that any thing like freedom or happiness could be voluntarily tendered by such a monarch to his people. The consequence of a counter-revolution, so effected by French interest, exereised under the sanction and in the presence of a French army in Spain, would be, that Ferdinand, restored to absolute power, and loosened from the restraints of all wholesome government, would become another member of the grand confederacy of monarchs allied against the liberties of mankind. He said, the liberties of mankind; for when he saw the efforts which they were making against every thing which bore the promise of happiness or liberty to man—when he saw the exertions that they made to repress every rising institution which rejected the fetters of ancient oppression, and proposed the diffusion of public freedom and prosperity—he feared that a conspiracy was indeed about to be entered into, more formidable to popular liberty than had ever yet existed: and more dangerous in its character, than even the despotism to which the late emperor of France had so nearly attained. For himself, he considered that the present aspect of the confederacy menaced the welfare of this country with greater peril than it had ever yet been exposed to. He well remembered the prophetic words of Mr. Fox, in a debate which took place in the other House, relative to the war that was undertaken for the purpose of replacing the present reigning family of France on the throne of that kingdom. Mr. Fox then said, that if a coalition for the restoration of the Bourbons had succeeded, the consequence would have been a perpetual ban upon all the people who might be oppressed in any part of the world. Such a coalition no people would have been more interested in opposing than the people of this kingdom. The fatal consequences which might yet ensue to Spain, should they unhappily occur, would be owing to the misconduct of his majesty's ministers. "Oh! my lords (continued the noble earl), "what have they not neglected! what that it concerned the welfare of their country to preserve, have they not omitted to secure? What a great—what a noble part had they to perform at the conclusion of a war which succeeded beyond all expectation!" The war being thus happily concluded, what a mighty part it remained for this country to fill, in order to perfect the work, not merely of her own happiness, but of the happiness of Europe. It was unnecessary for him to state what the character was which the government had chosen to sustain. Far different was it from that which had thus been presented for their acceptance. Examples were not wanting, even in our history, to prove the dangers which resulted to free nations from alliances like that which now existed in Europe. Had the combination of sovereigns which was formed in the time of Charles 1st been successful, could the liberties of the people have been long preserved against the encroachments of the house of Stuart? He could attribute the existence of any remaining portion of public liberty in Europe, solely to our enjoyment of a free constitution. Nor could he bring himself to believe, that, when the allied monarchs should have accomplished their designs against Spain, they would forbear from carrying on the same designs against Portugal. If it should be said, that at present there was no danger, he would merely request noble lords to look at her position. Did the noble earl mean to uphold the principle of supporting monarchs against their people, and opposing every constitution that did not come from the sovereign? That principle had in the other house of parliament been avowed for the first time, in respect to the attack on Naples. While that attack was making we sat by, idle and tame spectators. There were even those who justified that measure, and who said that Austria had fair cause to apprehend danger. But among their lordships, no one had expressed a similar sentiment in regard to the case of Spain, excepting a noble duke on the cross-bench.

But the extinction of the Spanish constitution could not be accomplished by the allied sovereigns, without the reduction, on the continent of Europe, of the last remaining post, the last surviving bulwark of its freedom. No man had less inclination than himself to underrate the power of this country; but he confessed that his hopes and his confidence were diminished, since he had witnessed the poorness of spirit which had been manifested by his majesty's ministers. His confidence could not but be diminished when he reflected in what hands the honour of the country was placed—in the hands of those ministers who had not only tamely witnessed, but even justified the subjugation of Naples. How could he feel any assurance, under such circumstances, or what security was there for the country, that further encroachments might not be attempted, and tamely submitted to by ministers who had already so deeply injured the honour and interests of the country. It had been urged in defence of the policy which had been pursued by the government, that our neutrality was the price of the neutrality of the other powers; that a great advantage had been obtained by preventing a joint declaration of the allies against Spain, and that the contest had, in point of fact, been reduced from a contest between Spain and the Holy Alliance, to a contest between nation and nation. The production of the papers for which he now moved, would prove the validity of these assertions. He should not occupy the time of their lordships' further than by repeating, that he was not recommending a romantic or chivalrous enterprise, or losing sight of those sound distinctions by which the conduct of a statesman ought to be guided. The justice of the Spanish cause was undeniable; but we were bound no less by our interest than by the justice of that cause, if interest and justice could be separated, to support the independence of the Peninsula.—The noble earl concluded by moving, that the said papers be laid upon the table.

The Earl of *Liverpool*, in rising to oppose the motion, said, he believed he should be able to convince their lordships that the noble earl had laid no parliamentary ground for it. There were some points on which he felt it necessary to give a short explanation before he entered into the general question. With regard to the capture of the Spanish corvette by a French ship, the Jean Bart, he was able to state what he believed would be completely satisfactory to their lordships. He did not stand up there as the apologist of the French government; but, where justice was due, he would give it to that or to any other foreign government. He had to state, then, in answer to the noble lord, that as soon as the report was made, and before any explanation was asked on the part of this country, the French government was anxious to declare, that they had no knowledge whatever of the transaction referred to in the public papers. Nor was this all; for the most distinct assurances were afterwards given to sir Charles Stewart, that the French admiralty had issued no orders whatever to make captures, either in the West Indies or in any other part of the world. Thus the facts stood, as far as the French government was concerned; but information of the particulars of this transaction had since been received from our own commander, from which it appeared, that an attack had been made on the Jean Bart by a vessel having a Spanish letter of marque; that the Spanish corvette fired into the Jean Bart; and that, in consequence of this attack, the French Ship had captured her; which she was of course justified in doing. With respect to the question put by the noble lord as to the proclamation of the provisional government of Spain, he need scarcely say that there was no communication between the government of this country and the provisional government; and it was well known that that proclamation had been completely disavowed by the French government. Having disposed of these points, he should now proceed to the two other questions put by the noble lord. First, whether any communications had been made by the governments of Russia, Austria, and Prussia, as to their intention of making common war with France; and, secondly, whether any information had been received, as to the armies assembled on the Russian, Austrian, and Prussian frontiers? One of the principal objects which the noble lord appeared to have in making the present motion, was, to vindicate himself against a supposed charge of inconsistency in his political opinions. He was the last man to make such a charge against the noble lord, and he believed that if his right hon. friend, who was supposed to have made such a charge, had heard the noble lord this night, there would have been no difference of opinion between them as to the correctness of the noble lord's explanation. The noble lord had, undoubtedly, at the time which had been referred to, used the language of caution and of prudence; he had endeavoured to induce their lordships to abandon those vigorous exertions, which ultimately led to the glorious conclusion of the war in which we were engaged, though it was never meant to be imputed to the noble lord, that he did not participate in those feelings which every Englishman must have felt with regard to the atrocious invasion of Spain during the last war. All that was meant was, to compare the opinions and conduct of the noble lord at that time with the opinions and conduct which he held now. The question now was, as far as the noble lord was concerned, whether, entertaining the opinions which he did with regard to Spain, he was prepared to give effect to those opinions in the only way in which effect could be given to them? The noble lord felt, in the year 1810, for the sufferings of the Spanish nation: he felt what was due to a gallant people struggling for freedom and independence: but he would ask whether, if the policy recommended by the noble lord at that period had been pursued, Spain could have effectually resisted the whole power of France? Spain was saved by the position taken by his noble friend (the duke of Wellington) at the head of the British army in Portugal; Spain was saved by the exertions made by this country in her behalf. It was not the good wishes or the feelings of the noble lord which could have effected her deliverance; and he would now ask who were right—those who by making these exertions delivered Spain and destroyed the power of Buonaparte, or those who would have left Spain to her own unaided efforts, and to the ruin which would inevitably have awaited her? Buonaparte was aware at that period that he could never conquer Spain so long as she was supported by a British army; and it was to repair his loss of reputation in Spain that he directed his efforts against Germany and Russia. He was aware that the noble lord, after considering the war against France as at one time desperate, and after comparing the contest in Spain with that in America, in which every town indeed might be captured, but with fresh loss to the victorious party, had in some degree changed his opinion, after the glorious defence made by his noble friend, at Torres Vedras; but even so late as the negotiations in the year 1812, he recollected that, though the noble lord was not prepared to withdraw our army at once from the Peninsula, yet the whole tenor of his speech was calculated to throw cold water on the contest. Let that memorable crisis never be forgotten. The noble lord objected at that time to sending the whole of our disposable military force to Spain; yet, where could that force have been so advantageously employed as in that part of Europe, where, in the judgment of the government and of one of the greatest commanders of the age, the cause of Europe could best be fought? He did not say that the victory of Europe was completed, but he would say, that it was determined in that country. It was the knowledge of the issue of the battle of Salamanca which had encouraged Russia in her glorious resistance; it was the battle of Vittoria which had put an end to the armistice and produced the glorious day at Leipsic, and all its important consequences.—He wished to say a few words with regard to what had passed at the congress of Verona. The noble lord had expressed great surprise that the government should not have been aware that the affairs of Spain were to form a prominent part of the discussions. He would state, however, in proof of the fact, that the government believed the question between Russia and Turkey was to be the principal subject of discussion, that directions were sent to the noble lord who acted as our ambassador to the Ottoman Porte, to proceed to Verona, for the purpose of rendering more effectual service in the intended mediation.—With regard to the feeling of the allied powers, in the question between France and Spain, he did not mean to say that it was not the policy of those powers to condemn the Spanish revolution, or that it was not their object to enter into eventual engagements; but there had been no joint declaration, nor any circumstances or stipulations, leading directly to the invasion of Spain by France. The noble lord had quoted some passages which had been alluded to by his noble friend, the duke of Wellington, in the protocol which was signed by the several powers at Verona. The stipulations in that protocol were, however, entirely defensive, and no hostilities were contemplated, except in one of three contingencies; first, in case Spain should attack France, or endeavour to propagate her opinions by force of arms; secondly, if any violence should be offered to the king or the royal family; and thirdly, if any attempt should be made to change the reigning dynasty. In any of these contingencies, the allies bound themselves to make common cause with France against Spain; but there were no engagements, as far as he believed, on the part of the holy alliance, which pledged them to make common cause with France, in any case except those contemplated in the protocol.—With regard to the armies assembled on the frontiers of the different powers, he believed the noble earl's information to be correct, except with regard to Prussia. It was undoubtedly true that the emperor of Russia had assembled an army on the banks of the Vistula, and that the troops which had evacuated Piedmont and Naples were now in the Milanese; but it should be recollected, that these armies were assembled on their own territories, and with objects, he believed, of a nature entirely defensive. Let it not be supposed that he was the apologist of those powers, in a recent transaction, any more than he was the apologist of France; but he really did think that circumstances might grow out of the present state of Europe which would render the assembling of the armies which had been alluded to a prudential measure.—He would now remind the House of the difference between the reasoning of the noble earl with respect to the former Spanish war and the present. When the Spaniards were formerly contending against France, the noble earl said he felt for them, but he then recommended a cautious and prudent line of conduct to this country, and advised us not to take part with Spain. What was the conduct of the noble earl upon the present occasion? The noble earl said, that he felt for Spain now, but he recommended a different line of policy from that which he had formerly advocated, for he advised (he begged the attention of the House to this point) that we should pursue a course of policy which would involve us in war without affording the slightest assistance to the Spaniards—not any assistance that would have the weight of a feather. He (lord Liverpool) declared that if he were convinced it was the policy of this country to embark in a war for Spain, he would look the question fairly in the face, and would advise their lordships to render the Spaniards every assistance in their power; and no assistance could they render them, unless they sent a British army into the Peninsula. The line of policy which the noble earl would have had the British government pursue ought to be considered as involving two questions: first, the moral effect which our remonstrances might have had in preventing the attack upon Spain; and secondly, the necessity of an active co-operation with Spain, if war should actually take place. He thought that no person would deny that we must have been prepared for the second case before we entered upon the first. We might have succeeded in the first case, but we must have been prepared for the second, which was the alternative. There might appear to be something in favour of the moral effect of a menacing tone in preventing a war, but he was of opinion that it would have created a counteracting feeling. He believed, if this country had shown that she was disposed to embark in a war in favour of Spain, that that very circumstance would have excited a strong national feeling in France in favour of the attack upon Spain. Supposing, then, that this country had failed in the first case, and had been reduced to the necessity of going to war in support of Spain, how did the noble earl propose to carry on hostilities? Why, by annoying the commerce of the enemy—by capturing their shipping, and perhaps a colony. Really, he did not expect, at this time of day, to find the noble earl possessed of such antiquated notions. The time had been, when the capture of a West Indian island would have determined the question of war or peace; but, in the present circumstances of the world, such an event would not weigh the smallest part of a feather. Could it possibly enter into the imagination of the noble earl, that if France were, as he said, desirous of bringing back the times of Louis 14th, and of uniting the two crowns, they would be frightened into an abandonment of their policy, by being told that we would destroy their fishing boats, capture their merchantmen, or take a colony? Such an idea would be absurd and preposterous. It would be an insult to the Spanish nation to say to it. "We have gone to war for you; we will furnish you with arms, but then we will leave you to fight alone, and will give you none of that assistance which we found so serviceable to you in the late war." The noble earl had accused him and his colleagues of being wanting in statesmanlike views; but what could be more unstatesmanlike than the policy recommended by the noble earl? It would be like spitting in the face of France, when we could do her no harm—an expression of feeling unbecoming a great nation. If the noble earl's policy were acted upon, this country would be deprived of all the advantages which attached to a state of peace; her rising prosperity would be checked; and after all, she would not have arrived one inch nearer the object which she had in view. He agreed with the noble earl in the view which he took of the difficulties with which the French would have to contend in the present contest. Whether they would surmount those difficulties, experience only could prove: but, did any man believe that the species of war which the noble earl recommended would add to the difficulties of the French? In the question between France and Spain, three things were to be considered, on which the success of the former must depend—first, the amount of her army; secondly, the means which she possessed of providing for that army; thirdly, the degree of support which she would receive from Spain. If it were supposed that the situation of France with respect to these three points was just what she herself could wish, he could understand, though he might not approve of, the policy of sending the noble duke near him at the head of an army into Spain, whence the country might gain additional glory from his efforts; but, to recommend that we should subject ourselves to all the inconveniences of war, for the purpose of sweeping away the French commerce, was like an act of insanity. The noble earl said, that the more he considered the conduct of the government, the more impolitic and unwise he considered it to be. He (lord Liverpool) would also state, with sincerity of heart, that the more he reflected upon what the noble earl had proposed, the more convinced he became, that it would be considered by every man who examined coolly, and without party prejudice, as well as by posterity, as mere folly. At the time when our armies maintained the loftiest situation during the last Spanish war, the noble lords opposite were constantly telling ministers to husband their resources. He (lord Liverpool) would husband those resources, but he would husband them, not by making an ineffectual war, but by remaining at peace. If they went to war, they should enter upon it like men, and in a way to produce effect. He was now expressing the feelings of his noble friend near him, and of another noble person to whom, next to the noble duke, the country was most indebted for the success of its arms during the late Spanish war. They would be the last persons to vote for going to war like children, and the first to reprobate going to war at all, unless it was absolutely necessary to support the honour of the country. In 1810, the noble earl had entertained quite different opinions with respect to the policy of going to war with Spain. If the noble earl at that period, when we were already embarked in war, thought it advisable that we should make peace, how much stronger was our reason for pursuing a pacific policy at present, when we were actually at peace? He begged their lordships to consider the difference between the present state of Spain and that in which she stood in 1808. At the latter period, Spain was a united country. The noble earl opposite could not mention a part of Spain in which any difference of sentiment then prevailed. Was that the case now? Was not Spain now a divided country? Was it not a country where two parties were at least equally divided? Was it not a country where the enthusiasm of those who wished to pull down the existing constitution was equal to that of those who wished to maintain it? He thought it could not be denied that the energy of those who had enrolled themselves under the banners of religion in Spain, was greater than that of the party which was attached to the constitution. He did not state this as a justification of the policy of France, but he mentioned it as a fact, and a most serious one; for it proved, that if this country had embarked in war, it must have done so, not with Spain against France, but with one part of Spain against another part. This country might have advocated the cause of the government *de facto* of Spain; but how would it know that that was the cause of Spain? Whatever might be thought of the injustice of France, there was no principle of common sense or statesmanlike policy, which would justify this country in entering upon a Spanish war, under existing circumstances. It was absurd to refer to the conduct of government with respect to Spain in 1808 as a precedent that ought to be followed at the present time, seeing that the circumstances of the two periods were quite different. Upon this point it was also necessary to consider, under how very different circumstances France now made war upon Spain, from those under which she formerly attacked that country. The individual who led the former attack upon Spain, not only was enabled to pour forth myriads of men, but he made every war in which he embarked pay for itself. He never entered a country without making it support his armies; and when he had united any country to his own, he employed the soldiers of the annexed country in carrying on war in another. Thus war fed war. By the conquest of one country, he was enabled to carry on war in another. France could not now follow the system of its former government. Which, then, would stand in the best situation—France, who had embarked in a contest of a doubtful character, which would exhaust her resources, or Great Britain who remained at peace? The doctrine of the noble earl opposite was, that this country ought to go to war, because something, God knew what, might happen that would be injurious to her. Well, he (lord Liverpool) would, for two reasons, wait until that something, God knew what, did happen. In the first place, the unknown something might never happen; and if it did, the country would then enter upon war in the possession of greater resources than those of the power against whom she would have to contend. He would have the country enjoy the present advantages of peace; but he was convinced that if we should, some time hence, be compelled to go to war, the people possessed spirit and firmness sufficient to enable them to overcome any danger. Let the country enjoy as long as it could the blessings of peace; but if it were compelled to go to war, let it put forth all its power, and not embark in a mere show of war. It should not be imagined that, if this country were to take a part in the present war, it would be a cheap or a short one. When once the scabbard was thrown away, it was impossible to foresee when hostilities would end, or what expense they would create. He felt the importance of the question between France and Spain as deeply as any man, because he knew that when war was once lighted up in any corner of Europe, there was no knowing where it would end. He was impressed with the same feelings, though less strongly, upon the occasion of the dispute between Russia and the Porte. It was the first wish of the government to prevent war in Europe. They had no desire to excite dissensions in other countries, in order to profit by them. The noble earl, in the course of his speech, had made some extraordinary observations respecting the allied powers. He had said, that the object of those powers was, to destroy the liberties of every country of Europe, and of England amongst the rest. He could not believe that the noble earl really entertained such a chimerical idea. He (lord Liverpool) was not one of those who approved of the principles which had been promulgated by the allied sovereigns. His majesty's government had, both in verbal and written communications, condemned the policy which those sovereigns had adopted. He desired, as strongly as any one could do, that every country should be left to govern itself, and to discover what laws were best calculated for its interest; but he could not conceal from himself, that, in the present state of the world, if there was danger on one side from arbitrary doctrines, there was danger from new opinions and revolutionary doctrines on the other. The policy of this country should lead her to maintain that situation, moral and political, which would enable her to restrain the excesses of either. For these reasons, he should vote against the present motion.

Lord *Holland* said, that the speech of the noble earl who had just sat down, was one of the most extraordinary he had ever heard. In one part of his speech the noble earl had endeavoured to persuade the House that it was neither wise nor prudent for England to go to war in support of the just cause of Spain; while another part of it consisted of a pompous description of the great success which had attended our arms during the last Spanish war. In another part of his harangue, the noble earl had told a British House of Lords, that a naval war was of no use; that the value which had heretofore been attached to the wooden walls of Old England, was entirely an antiquated notion; that to talk of giving a maritime support to Spain, was nothing but a farce; and that this country could only hope to obtain an influence on the continent, by means of an army. He must confess that he thought the noble earl's opinion upon that point, as well as most of the opinions which he had that night delivered, was founded in the grossest fallacy. The noble earl had confounded two distinct points. He had got hold of an opinion that a war for the protection of Spain must be a war in Spain. The noble earl had fallen into a similar error when he attempted to show that his noble friend had been inconsistent in his opinions with regard to Spain. It would be utterly impossible to suppose that his noble friend should not feel a strong interest in the former struggle in which the Spaniards had been engaged against the French. It so happened that he had in his possession letters which he had received from his noble friend, at the time the event alluded to took place, recommending that whatever succour might be considered most advantageous to the Spaniards, ships, money, or even men, should be sent to them from this country. He had these letters in his pocket, but it was unnecessary to read them. He would say that they were conceived in the same warm and eloquent language which had fallen from his noble friend that night. The only difference which had formerly prevailed between the noble earl opposite and his noble friend was with respect to the mode of carrying on the war. After the disastrous campaign of sir John Moore, his noble friend had doubted the expediency of employing a large military force in the Peninsula, and had thought that there was no probability that the Spanish cause would be successful. He perfectly recollected the circumstance, because he had in a slight degree differed in opinion from his noble friend. He had thought that the Spanish cause was more likely to succeed than his noble friend did; but he acknowledged, that, upon a review of the situation of Spain and of this country at that time, he was not sure that his noble friend's opinion was not sounder than his own. The noble earl over the way, who had attacked his noble friend for this imagined inconsistency, must have had a great desire to annoy a political opponent; because, if the noble earl substantiated the charge, it would make directly against his own argument; for the noble earl would be saying, "You formerly said we should have no success, when we had the greatest possible success; therefore, now that you who are more disposed to despond than we are, think that we shall succeed, we will not go to war." Throughout the whole of his speech, the noble earl had run into a train of inconsistencies and contradictions. At one time he had said, that unless we sent the whole of our army into Spain, we should do nothing for them; that the war would be a mere cheat; and that there could be no hopes of success. But, at another time, when he was replying to an argument, that if France should be successful against Spain, it would be dangerous to this country, the noble earl turned round and said, "France successful—nonsense! France cannot succeed. See what Spain can do without the assistance of Great Britain! Depend upon it, it will be a dangerous thing for France to get into Spain. If you leave the Spaniards alone, they will do much better than they would if you were to assist them." The noble earl over the way underrated the effect of the alliance of this country with Spain. In one of the debates which had taken place on the subject of our foreign policy, the noble earl had said, that when England landed the first brigade in the Peninsula, she would become a principal in the war, and the whole expense of it would fall upon her. There was some acuteness and some truth in that argument. The noble earl must have taken a leaf out of the book of the noble duke, his colleague, whose past experience would show him that such would, in all probability, be the event, if England sent an army into Spain. However, the argument, let it come from where it might, was no reason for not going to war; but it was a reason for considering, after we had gone to war, where we should land the first brigade, and whether, by so doing, we should destroy the advantages of the Spanish mode of warfare. Good God! could it be said that Great Britain in standing forward as the friend of Spain would produce no effect?

"Let but Achilles o'er yon trench appear,
Proud Troy shall tremble and consent to fear."

A noble earl opposite (lord Harrowby), on a former night, in answering an hypothetical case of the policy of defending Portugal if she should be attacked by France, had said, that France would not dare to attack our ally, because she knew that if she did we should attack her commerce, and send a fleet into the West Indies. The noble earl at the head of the Treasury treated the idea of attacking the French colonies with perfect scorn. He would leave the noble earl to settle that point with his colleague: but he would advert to the observation which the noble earl had made about our becoming a principal in the war if we landed an army in Spain. He should always look back to the last Spanish war with feelings of pride and gratification; but, he entertained considerable doubts whether the mode in which we had carried on that war was the best that could be adopted. The experience of history had shown, that the Spaniards, if left to carry on war in their own way, were almost unconquerable. The noble earl told the House, that the present situation of Spain was greatly different from her situation in 1808; and he said, that there was more division of sentiment among the people of that country now, than at the former period. But the noble earl should recollect, that when the war began, the French were in possession of every fortress in Spain. They had an army in Madrid, and they were marching another army upon Seville. The more he considered the habits of the people of Spain, the more he was convinced that they were better adapted than any other nation for that species of warfare which was most capable of annoying an invading army. He could almost fancy that poetry had pointed out the mode of warfare which the Spanish people had adopted. Homer had described the Goddess of Wisdom descending from Heaven to instigate Menelaus to attack Hector, and inspiring him, not with the strength of the pard, the lion, or the bear, but with the courage of the fly, and with its insatiable thirst of human blood, which induced it, though often driven from its prey, to return with unflagging pertinacity to the charge. This, the fastidious criticism, and he would add bad taste, of Mr. Pope, had caused to be entirely passed over in his translation.—The noble lord then proceeded to reprobate the policy which government had pursued in the negotiations at Verona. What practical benefit the Spaniards were to derive from the absence of a joint declaration, he was at a loss to conceive. How was France affected by the fact? If she beat Spain single-handed, she had all that she sought without the assistance of any joint declaration; but if she failed in that attempt alone, was she not certain of being aided by those powers who now, for form's sake, hung behind her? Would not the defeat of France, singly, in her enterprise against Spain, be the signal for overwhelming Europe with the barbarians of the north? For himself, if Spain—which Heaven forbid!—was to be conquered, he would prefer seeing her occupied by four or five European states, who would quickly quarrel amongst themselves about the division of the spoil, to seeing her fall into the hands of any single power. The stress laid upon the absence of a joint declaration was incomprehensible. It reminded him of the story of the Frenchman and the quack. A gentleman having the misfortune to fall into a severe fit of illness, had the further misfortune to apply to a quack for assistance. The quack prescribed on his first visit. The remedy proposed was an immediate swallowing of forty pills. Forty pills was a great many at one dose. The invalid asked the opinion of a Frenchman, his friend. The French gentleman was astonished. "Forty pills, sir! consider what you do. Be ruled by me and take but five." The patient was ruled and took only five; but such was the drastic property of the medicine, that even the mitigated dose in three days destroyed him. Upon this up got the Frenchman in raptures at his own sagacity—"My friend is dead with taking only the five; conceive what must have happened to him if he had taken the forty!" Now this was exactly the condition of the noble earl opposite and his colleagues. They took credit for having prevented a joint declaration. Without the joint declaration, France had marched into Spain, and threatened the total subjugation of the Peninsula. And now ministers got up in delight, like the Frenchman, and said—"Think what would have happened if there had been a joint declaration!" Where was the practical difference between a joint declaration and a stipulation?

The Earl of *Liverpool* was not aware that any stipulation existed.

Lord *Holland*.—Does the noble earl mean to say, that no stipulation does exist?

The Earl of *Liverpool* said, that no stipulation existed.

Lord *Holland* supposed, that the noble earl's information upon that point came from the same "good men and true" on whom in other matters he had relied. But, if there was not an open stipulation by the continental powers, to aid, might there not be an implied one? The declaration, if it was not a declaration of war, was it not a declaration *eo termino*? Did it not declare, that it was in the spirit of the treaties of the Holy Alliance to take up arms against Spain; that the principles of the new Spanish constitution were hostile to the basis upon which that alliance was built; and that all supreme governments of whatever conformation, were bound to assist against it, not merely according to the letter, but according to the spirit of those treaties on which the peace of Europe was founded? Let thoue who found fault with the new constitution of Spain examine whether the main errors of which they complained were not in the very points upon which they had adhered to the old constitution. There could be no doubt, that as far as English interests were concerned, the constitution of Spain could never be too democratic. Perhaps from their connexion with France, under the former government—perhaps, from the similarity of the French and Spanish languages—perhaps from the circumstance of the Spanish literature being in a great measure derived from France—from some cause, certainly, the higher orders of the Spaniards were disposed to look towards France as an ally. But, among the lower classes, the feeling was directly in an opposite course. The lower we went, the more devoted we found the people to English principles and English alliance. The very proverb of the country was, "Peace with England, and war with all the world."—He was loth to detain the House, but there was one other point upon which he found it impossible to sit down without commenting. Much as he disapproved the pusillanimous, the impolitic, conduct of England towards Spain, the cruelty of her conduct to her old and faithful ally, Portugal, filled him with still deeper indignation. Here was Portugal, who relied upon us; Portugal, with whom we had been so long in treaty—she had formed for herself a constitution after that of Spain—a constitution upon which she relied for freedom and for happiness. She now saw that very constitution about to form the pretext of an attack upon her by France; for if France succeeded with respect to Spain, no one could doubt that Portugal would be the next victim to her tyranny. And what, under such circumstances, did England say to her? We said—"Mind what you are about. If you are attacked, we are bound to support you: but, if you think it essential for your safety to go now to the assistance of your faithful friend—if you think it better to carry on a war upon the Pyrenees than upon the Tagus—then we are no longer called upon to assist you; we abandon you to your fate—that is, we leave you to be destroyed." And this was the language that we were holding towards one of our oldest friends! Such language was so abhorrent to his nature, that he should prefer to see England at once breaking the treaties she had formed, than thus seeking, upon forms, to get out of the spirit of them. But he wished, upon this point, to ask the noble earl opposite a question. He was averse to hard names, even as applied to those to whose opinions he stood most opposed. He would not talk, therefore, of traitors or rebels; but there had been an insurrection in Portugal against the new constitution of that country. He wished to know, supposing there to be proof—not strict legal proof, but such proof as statesmen and practical men were accustomed to act upon and be satisfied with—supposing there to be such reasonable proof, that the insurrection in Portugal had been fomented by the aid of French money—would that fact, if Portugal took arms, be held sufficient to bring her within our treaty? He wished to be satisfied upon that particular point. If Amarante joined the French army, would Portugal be able to say, that war with a country which received her insurgents, entitled her to an army from England to her assistance?—The noble earl opposite had put two words into the mouth of his noble friend which he had not used. The noble earl assumed his noble friend to have said, "Something will happen—God knows what—and then we shall have war;" and to this the noble earl replied, "I will wait until that something—God knows what—does happen." What, then, had nothing happened? He might almost use the language of Demosthenes, and say, was it nothing that the man of Macedon reigned in Greece? Was it nothing that the man of Muscovy was driving on the despot of France to trample down the independence of Europe? Was a war between France and Portugal nothing? Did the noble lord mean to weigh in such nice scales the question of aggression between Portugal and France, as not to admit that France, by attacking Spain, must threaten Portugal? The noble earl asked him and his friends, "Do you mean to go to war?"

The motion was negatived without a division.

HOUSE OF COMMONS.

Monday, May 12.

LAW OF PRINCIPAL AND FACTOR—PETITION FOR AN ALTERATION THEREOF.] Mr. *J. Smith* presented a petition from the Merchants and Bankers of London, praying for an Alteration in the existing Law of Lien upon Goods sent on Foreign Ventures. He stated his intention of moving for a select committee to inquire into this subject.

Mr. *Scarlett* said, that the law, of which this petition sought an alteration, had prevailed ever since the merchant law had been a part of the English code. It did not permit factors to pay their own debts with the produce of goods confided to them by employers in other countries. The learned gentleman proceeded to argue, that this law had been borrowed from the maxims of the civil law, which prevailed all over the continent, and that therefore, as it corresponded with the regulations abroad, there could be no reason for altering it as regarded commercial convenience, and still less on the score of honesty and good policy. Nothing could be more just than that factors should be restricted from exceeding the authority of their principals, and nothing more likely to prevent frauds. He must object to any alteration in the present law.

Mr. *Baring* said, that the effect of the law as it at present existed, was to prevent the circulation of goods. Its operation had been a source of complaint from the earliest period that he could recollect any thing of business. British merchants were not generally thought more fond of encouraging frauds than the members of his learned friend's profession. The error in his learned friend's argument had arisen from his not understanding the nature of trade. He had thought that there were two sorts of persons—merchants and factors; but in commerce merchants were factors, and factors were merchants, both purchasing goods upon commission. The great inconvenience felt from the present system was, that money could not be raised by the hypothecation of goods, because it was not known to whom they belonged. The object of the proposed alteration would be, to establish the principle, that the same care should be taken in confiding goods to agents, as prevailed in the remission of money. If money were remitted, the possession passed from the hands of the principal to the agent, and no lien was created; the same freedom was sought to be established for the circulation of merchandise. From the very nature of commercial dealings, they could not be without great risk and some inconvenience; but the question was, whether greater benefit would not arise from a law which should leave merchants free to deal with those persons in whom the possession of the goods should be. This was obviously impossible, if it were necessary, on all occasions to inquire into the instructions of the principal. The petition was one of the greatest importance, and he trusted that it would receive from the House the attention it deserved.

Mr. *Huskisson* agreed with the hon. gentleman as to the importance of the subject. He held a petition, which he should present in the course of the evening, from the merchants, and nearly all the persons of capital in the town he had the honour to represent, the prayer of which was similar to that now before the House. They were unanimous in their wish that the existing law should be altered. He trusted that the learned gentleman would, for this reason, not oppose the appointment of a committee. He did not wish that the principle of the law should be altered; because he felt, that whatever good a change of that kind would bring with it, would be greatly overbalanced by the evil which it would create. The hon. gentleman said, that the alteration which was proposed would merely have the effect of preventing a factor from paying his debts with the goods of his principal. If that were all, there would be no necessity for referring the question to a committee. But there were, in fact, other considerations which a committee might with propriety inquire into. Great inconvenience arose from the present state of the law; and he knew that judges on the bench, when deciding on particular cases, had alluded to the injustice which was connected with it. But it was not necessary, in removing these inconveniences, that the principle of the law should be altered. If they considered the subject in a committee up stairs, it would be only necessary to inquire whether the law might not be so altered, as to prevent the frauds which now prevailed under it.

Mr. *Scarlett* observed, that many merchants received large quantities of goods from foreign consignors, and was it fitting that they should be met by the exclamation, when they sustained a loss—"Oh, you should have taken due caution before you advanced money;" while no such caution was required from a London banker.

Mr. *Ricardo* said, he would put the case in this way: suppose an individual employed him as an agent, to dispose of goods, and that he was dishonestly inclined, and defrauded his principal; in that case, who ought to be the loser, the man who said, "I will not pay a single penny without the goods are delivered to me;" or the man who did not make any inquiry, but lent his money upon mere representations? It was not desirable that either party should lose; but one must suffer, and the sufferer ought to be the individual who did not use proper caution.

Mr. *J. Martin* could see no reason why the same rule should not apply to bills of exchange. He admitted, that persons advancing money had a right to know whether the property really belonged to the individual. But this information could not always be obtained; for he had known many cases where the most solemn assurance was given, that certain property belonged to particular individuals, when, in fact, such was not the case.

Ordered to lie on the table.

IMPORTATION OF TALLOW—PETITION FOR AN ADDITIONAL DUTY ON.] Sir *T. Lethbridge* presented a petition from the butchers of Leadenhall-market, complaining of the glut of Russian Tallow in the market, and praying for a further import duty on that article. He should be glad to know from the president of the Board of Trade, whether ministers had it not in their serious consideration to add considerably to the present import duty on tallow? It was quite monstrous that foreigners should be allowed to glut the British market with their produce.

Mr. *Huskisson* regretted that the chancellor of the exchequer was not present to answer for himself. The hon. baronet must see that the placing an additional duty on tallow was a financial, not a commercial, measure.

Mr. *Hume* considered the principle laid down by the hon. baronet as extremely objectionable. The imposition of an additional duty, instead of punishing Russia, would have the effect of visiting the people of this country with a greater degree of taxation. Instead of adding to the existing duty, he hoped ministers would take it off.

Mr. *Monck* condemned the system by which individuals sought to support a system which operated beneficially for themselves, but was injurious to the country in general. He hoped ministers would turn a deaf ear to petitions of this nature.

Sir *T. Lethbridge* argued, that the additional duty would not fall on the consumer.

Lord *Milton* said, if the additional duty did not fall on the consumer, it was quite clear that the alteration would be of no use to the butchers of Leadenhall-market.

Mr. *Ricardo* observed, that the principle advocated by the hon. baronet might be applied to every foreign commodity. As the hon. baronet had discovered so easy a way of reducing the national debt, by throwing the burthen of taxation entirely on foreigners, he ought to become chancellor of the exchequer without delay; for he was afraid they had never yet found a chancellor of the exchequer who could impose taxes without inflicting serious burthens on the people.

Ordered to lie on the table.

BEER DUTIES BILL.] Mr. *Denison* rose to present a petition on a subject which deeply interested the middle classes of society. The petition came from the Table Beer and Ale Brewers of London, a most respectable body, who had embarked millions in the trade. As the law now stood, the brewer paid an excise duty of 2*s.* per bushel, and from every quarter of malt he brewed six barrels of beer, for which he charged 18*s.* There was besides an excise duty of 10*s.* on the beer! The chancellor of the exchequer now proposed the manufacture of an intermediate beer, for which the brewer was to charge 27*s.* per barrel, and from each quarter of malt he was to brew five barrels instead of six. The brewers did not complain of this intermediate beer; but, by a clause in the bill, they were prohibited from brewing such beer on their present premises. The consequence was, that if they manufactured beer of that kind, they must erect new brewhouses, at a distance not nearer than 200 yards from their old premises. They had embarked millions in their business, and that property was placed at the mercy of a capricious measure; for they were told that the new bill was nothing but an experiment. The right hon. gentleman said, the intention of this provision was, to prevent the mixture of different sorts of beer. The petitioners, however, said, "only postpone the measure for a year, give us an audience before a committee, and if we do not satisfy you, introduce any bill you please. At present, the penalty for mixing beer is 200*l.* If that is not enough, make it 400*l.*, or make the offence finable by a forfeiture of goods. If that is deemed insufficient, punish the crime with transportation."—Surely nothing could more clearly prove that the intentions of these gentlemen were honest. If, however, the right hon. gentleman did not like this mode of proceeding, let him take the tax from the beer altogether, and place it on the malt. This would place the poor man and the rich on an equality. At present, the poor man, who could not brew his beer, paid a tax from which the rich man was exempt. Was this just or fair? If the tax were placed on the malt, instead of the beer, all the expense of collection would be saved to the public. By adopting the measure which he had recommended, the agricultural interest would be benefitted; since a much greater quantity of malt would be consumed.

Mr. *Ricardo* could see no reason why the tax should not be imposed on the malt. If that were done, individuals would be at liberty to brew what quality of beer they pleased. The hardship was very great on the poor man, who was obliged to purchase his beer at a high rate from the public brewer; whereas all those who possessed facilities for brewing were exempted from the burden.

Mr. *Maberly* said, the bill was most unjust towards the brewer. It took from him, in the first place, the sale and consumption of the ordinary sort of beer, and next prevented him from making up his loss, by declaring that he should not brew any beer of the intermediate kind, unless he built new premises. The bill, it appeared, was an experiment. To the brewer it was certainly a very expensive one. He must either submit to lose his trade, or he must erect new buildings at great cost. If the right hon. gentleman had gone into a revision of the excise laws, it must have struck him that the duty on beer was improper. The duty ought to be placed on the malt. The duty on malt was now collected at 2½ per cent; and if the entire duty were placed on the malt, it would not increase the price of collection 1*s.*; at the same time that there would be a saving of 267,000*l.* a year to the public.

Alderman *C. Smith* could not see why the brewers should not be allowed to brew the new beer as well as table beer. He hoped the bill would not pass.

Mr. *Bennet* was surprised that the chancellor of the exchequer should persevere in a measure, in favour of which not one voice had been raised, and which bore on the face of it the greatest injustice. In order to condemn it, it was enough to say, that it was a measure to fix the price of an article of trade. By retaining the duty on beer, instead of converting it into a duty on malt, the rich man escaped with less burthen than the poor man.

The *Chancellor of the Exchequer* said, that upon the last discussion he had endeavoured, to the best of his ability, to reply to all the objections started by the hon. member who had last spoken; and, as other opportunities of discussing the measure would arise, he did not feel himself called upon to enter upon it at present.

Mr. *Hume* said, that a capital of upwards of one million was embarked in the trade in question, and therefore it required more consideration than was intended to be given to it. He maintained, that a sum of 250,000*l.* might be saved by a different course of policy. It was a singular fact, that although our population had increased, no increase had taken place in the consumption of malt. He hoped the chancellor of the exchequer would himself introduce some remedial measure upon the subject.

Mr. *R. Colborne* thought that the bill had been introduced more with a view to benefit the public than to increase the revenue.

Mr. *F. Palmer* was of opinion that the bill, with certain modifications, would be better than the continuance of the existing law.

Mr. *Monck* said, that the bill, in its present state, inflicted injustice not only on the brewers, but on the public. He wished to see it modified.

Mr. *Maberly* wished to ask whether there would be any objection to the appointment of a committee, to consider the propriety of placing the duty upon malt, and thereby saving, in the machinery of the collection, 267,000*l.* a-year?

Mr. *Brougham* expressed his surprise and regret that no answer had been given to the question of his hon. friend. The House were guilty of a crying injustice to the poor, in thus continuing to make the labouring man pay 50*s.* per quarter for his malt, while the rich had it at 20*s.* To the poor man this beverage was a necessary; to the rich man it was a superfluity. He felt it necessary to make these few observations, from a conviction that the more these facts were known, the more impossible it would be, to continue so crying an injustice to so large a portion of the community.

The *Chancellor of the Exchequer* said, he would be ready to meet the arguments of the gentlemen opposite when the bill came regularly under the consideration of the house.

Ordered to lie on the table.

SPITAL FIELDS SILK MANUFACTURE.] Mr. *F. Buxton*, seeing the president of the Board of Trade in his place, begged to ask him a question or two upon a subject, in which the interests of a large and respectable portion of the inhabitants of this metropolis were involved. He understood it was the intention of the right hon. gentleman to introduce a bill for the repeal of certain restrictions upon the silk manufacture. What he requested of the right hon. gentleman was, that he would first consent to the appointment of a committee of inquiry up stairs, or if he refused that, that he would not press the measure until after the holidays.

Mr. *Huskisson* said, he certainly would not oppose the appointment of a committee if he thought it could be productive of any beneficial result, but he could entertain no such opinion. He had been in constant communication with the parties who opposed this measure, and had uniformly held out to them the same expectations; therefore, the measure now in contemplation could not be said to have come suddenly upon them. Fom all he had been able to learn, he felt convinced that the trade would be much more flourishing than it was at present, if the restrictions in question were totally removed. If he obtained leave to bring in the bill to-night he would move the second reading on Friday, and proceed in the other stages after the holidays. He did this from a conviction, that any delay would only have the effect of keeping alive, in certain quarters, a hope which as it could not be realized, could only be productive of irritation and discontent.

IRISH INSURRECTION ACT.] Mr. *Goulburn* said, that when he last proposed to the House the propriety of continuing the Insurrection Act, he had ventured to express a hope that it was a measure which was not likely to be again called for. He had ventured to make that statement, not upon his own authority, not upon any vague and uncertain accounts, but upon the reports of men best acquainted with the state of the country, and upon whose judgments he could most firmly rely. It was with sincere regret that he now felt it necessary to recommend a further continuance of the provisions of that act. From the returns before the House, it appeared that the disturbances, particularly in one district, continued to increase; that there was still manifested among the peasantry the same disposition to outrage, the same hostility to property, the same imposition of illegal oaths, the same general contempt of the laws of the country, and the same wish to substitute laws of their own. He lamented that, notwithstanding the liberal and laudable exertions of the people of this country to relieve the distressed peasantry of Ireland, and, notwithstanding the praiseworthy liberality of the Irish resident gentry in seconding the efforts of the British people, there still prevailed, in certain districts, a state of insubordination which imperiously called for the further continuance of this extraordinary power. He begged to be understood as not advocating this measure as one by which a country ought to be permanently governed. On the contrary, he considered it objectionable, taking it in the abstract, and only to be justified by the emergency of the case. The simple question then for parliament was, did a sufficient urgency exist to justify the continuance of this law? It was not his intention to go at length into a detail of the outrages which formed the justification of the measure; for these were developed in the papers which had been laid upon the table of the House. In these papers, the state of parts of Munster was described; and it was difficult for gentlemen to picture to themselves the condition of the resident gentry in the disturbed districts of Ireland, who were endeavouring to maintain themselves amid this state of things, with a constancy and courage which did them the highest honour. This was the more difficult when it was recollected that the system of intimidation carried on was calculated to defeat the operation of the law. With such force and severity were those threats carried into execution, that, unless the hands of government were considerably strengthened, it would be impossible the law could take its course. This was no fancy picture. Its truth was proved by the evidence of melancholy facts. It would be admitted, that the first step towards enforcing the law would be to prove the crime against those who were concerned. In other parts of the kingdom there existed a disposition to support the law, and to give evidence against its violators; but in the disturbed districts the reverse of this principle prevailed. Every feeling was in favour of the offender, and the only efforts made by the great portion of the people were, to screen him from discovery. Justice was defeated in every possible way. Where the criminal was secured, the witnesses for the Crown were either removed on the approach of his trial, or, such was the influence of terror, that it was found impossible to induce them to give evidence. At the late assizes at Cork, the number of persons who were allowed to go at large, in consequence of the impossibility of producing evidence before the grand jury, was little short of the number of those who were prosecuted. He mentioned these facts as proof of the melancholy state of the country; and he trusted that parliament would on this occasion exercise its discretion, as it had before done in similar circumstances, and so strengthen the hands of the Irish government as to give them the means of punishing the guilty, in a more steady and effectual manner than they now could. As the law now stood, it left the loyal and peaceable part of the population unprotected. All he asked was, the power to put down those who defied the law. The bill which he would introduce would have the effect of confining persons to their dwellings for the greater part of the night. This in itself was a hard measure; but it was rendered necessary by the circumstances in which the country was placed. For a violation of the regulations in this respect the parties would be punished. The principle of this law was not a new one in the legislation of the country. In cases of pestilence, individuals were prohibited from leaving their dwellings or from going into uncontaminated quarters. The party offending in this particular would not be said to be guilty of any moral offence, but still it was necessary, for the general welfare, that he should be punished. And he would ask, could the necessity be said to be less in the prevalence of a moral pestilence? The punishment of those who could not give an account of themselves during the preceding night was, no doubt, a severe one; but it was unfortunately the only one which could afford adequate protection to the peaceable and well-disposed part of the community. He might perhaps be asked, if this law was so effectual for repressing disturbances, why any existed in the country where it had operated? He would answer, that it had been productive of very good effects where it had been called into operation. It had been carried into operation in the county of Limerick, and in that county disorders of even a more violent nature had prevailed than now existed in Cork. More violent, because, in the former county, in addition to the destruction of property, they had to lament the loss of many lives by barbarous murders. In Cork, much as the outrages were to be deplored, they were generally confined to the destruction of property; but in Limerick, where the disorders had been carried on with such violence, order had been, comparatively speaking, restored by the operation of this law. In the county of Clare also, the good effects of this law had been apparent; for in some parts of that county, where the greatest disturbance had prevailed, the operation of the Insurrection act had restored comparative quiet. In Tipperary the greatest alarm had for a time prevailed, lest the disposition to riot manifested in some places should spread. The effects of the partial application of the Insurrection act had been felt in that county; from many parts of which government had recently received accounts of the peaceable disposition of the people. He mentioned these circumstances to show, that if the provisions of the Insurrection act were duly administered, they would be effectual in restoring the tranquillity of Ireland. It was with this view that he now proposed the renewal of the act. He did not feel himself called upon to enter, at the present moment, into any inquiry as to the causes, more or less remote, to which some gentlemen might attribute these disorders. He thought it better, in this moment of alarm and danger to abstain from any topic which might tend to create a division of opinion, because he trusted it would be admitted, that, acknowledging the danger, as he believed all must do, the first step which a wise legislature would take would be to devise means by which to prevent its spreading. This was the principle which he wished to impress upon the House. He wished them to give the government the power of checking the immediate danger. After they had done this, let the wise and the good consult as to the remedies which they might think proper, to correct the evils out of which those disorders arose. It was, in fact, impossible at the present moment to point out their immediate causes. Let the House first give the government of Ireland the power of putting down those disturbances which were only paralleled by those which on a former occasion called for similar measures, and then let them devise measures which may have the effect of preventing their future recurrence. The right hon. gentleman concluded by moving "That leave be given to bring in a bill to continue the Irish Insurrection act for a time to be limited."

Lord *Althorp* said, he could not remain silent consistently with his feelings of public duty. Year after year measures of severity had been introduced, yet, so far was the tranquillity of Ireland from being restored, that her disturbances had been increased, and her misfortunes aggravated. It was the duty of the House, with the experience they had had since the Union, to look more deeply into the state of Ireland, and to take other and different measures to cure her disorders. He confessed he felt disappointed at the speech of the right hon. gentleman. He thought the right hon. gentleman would have entered more at large into the question, particularly after the expectation held out, that the situation of Ireland would be discussed. Measures of coercion had failed. It was therefore the duty of the House to adopt towards Ireland acts of justice, of encouragement, and of conciliation. The right hon. gentleman had said, that the present was not the time for discussion. Was there not time, at all events, between this and the first of August? Could nothing be done during that time, to ascertain the real causes of the deplorable state of things in Ireland? But he did not mean to go that length. All he asked for, was a pledge on the part of the government, to enter, at no distant period, into a consideration of the state of Ireland, with a view to ascertain the causes of its sufferings. It was lamentable to see the present state of Ireland; to see that, English law, so justly considered a blessing in this country, was looked upon in Ireland with hatred. Something must be wrong in the system of government, where effects so unaccountable were produced. Such, indeed, was the lamentable state of Ireland, that it was at present almost a misfortune to this country to be connected with her. All other countries with which England was connected, more or less added to her strength; but Ireland, in consequence of the manner in which she had been governed, reflected little credit upon herself, and brought but little strength to the empire. Ireland, above all other countries, was the most difficult to govern. She required the strongest union of sentiment on the part of her governors, as to the leading principles of policy; and yet it was a curious fact, that the only principle on which the Irish Government was formed, was a principle of compromise. The president of the Board of Control had been attacked on a former night, because he was supposed to have stated, that the laws had not been administered until lately with an equal hand. But, where laws were themselves unequal, it was impossible that their administration could be just, even-handed, or popular. To enable a government to act with justice and with impartiality, there must be laws which gave equal protection to all his Majesty's subjects. He was not at present disposed to refuse to government those powers which might be deemed necessary to put down the outrages which prevailed; but it would be only on the condition, that it would give a pledge to inquire into the causes of the present discontents. It was impossible to give an unqualified sanction to measures of so much severity as those proposed—measures which had been tried, and which had failed to restore tranquillity to the country, or confidence to the government. An inquiry into the state of Ireland was absolutely necessary. He therefore called upon ministers fairly to meet that point, and to institute an inquiry, as the first step to the establishment of permanent tranquillity in that country. In order to produce this inquiry, he would move by way of amendment, "That it is the opinion of this House, that the coercive measures which have been repeatedly adopted since the Union, have failed to secure tranquillity in Ireland, or to better the moral condition of the people; and that no solid improvement can be expected from a continuance of the system of compromise acted upon in the government of that country, strengthened as it has been by such temporary expedients; but that it is absolutely necessary to take into serious consideration the whole system of the laws, and of their administration, with a view to such a reform as shall secure the permanent peace of the country, and the equal constitutional rights of the people." If this amendment should be carried, he would then submit to the House the following resolution:—"That this House, while it looks only to a permanent remedy in a revision of the whole system of measures by which Ireland has hitherto been governed, feels itself called upon to arm the executive government with all such temporary powers as may be necessary to suppress the present existing spirit of insubordination, which is daily producing such alarming outrages and daring violations of the law in that portion of the empire."

Mr. *John Smith* rose to second the amendment. He said, he could not but express his surprise at the course which the right hon. Secretary had pursued. The right hon. gentleman had endeavoured to impress upon the House the necessity of suppressing the riots and outrages which now prevailed in Ireland. Those riots he admitted ought to be put down, but the right hon. gentleman had not said a word as to the cause of those disturbances. It was melancholy to reflect that, in looking to the history of Ireland during her long connexion with this country, he found that she was always discontented, always the prey of factions, and that the laws were constantly set at defiance. This was not the case in any other part of the united empire. It was not the case in Scotland. When that country was visited with almost a famine in 1817, there was no riot, no disturbance. That extraordinary people, as he must call them, had looked upon the calamity under which they were suffering as a dispensation of Providence. What was the cause of this difference between the two countries? It was this—in Scotland the people had the benefit of moral and religious instruction, the basis of every thing good in society. In Ireland the want of this instruction was visible. He meant no imputation against the people of that country. Some of his dearest friends belonged to it. He respected the Irish. He believed them to be a people possessed of the most grateful feelings. Their gratitude approached almost to extravagance, even for the smallest favour. Indeed it was so great as even to be troublesome, for they were ready to lay down their lives for those from whom they derived benefits. At all events, this practice showed the seeds of future improvement under a mild treatment. Why had he not heard something that promised such treatment? He would not say that the proposed alteration of the tithe system was not something, for the tithes were a fertile source of evil; but he would say, that the people of Ireland required, and were capable of, great improvement. From the opportunities of communication with that country which he had had on a recent occasion, he found that a great deal might be done for her by encouraging the manufacture of coarse linen. This had been suggested by the archbishop of Tuam and other benevolent individuals; and it was intimated, that if small advances by way of loan were made for the purchase of looms, it would be productive of the best effects. From the situation of Ireland labour must be very cheap, and many must be anxious to procure it. In order to afford this relief, the Irish committee had advanced a certain sum, which had been already productive of the best effects. Employment had been given to thousands of industrious poor, who otherwise must have been left destitute. This had been done at an expense of some 30,000*l.* or 40,000*l.*, and he asked, would not the measure now sought for cost more than that sum? The House knew that the Insurrection act could not be carried into effect without a very considerable expense. Why was not something which would be less expensive and more effectual done for that country? Let it not be forgotten that to Ireland we owed not only a great part of our military glory, but also of our present security. He wished to ask the right hon. gentleman, whether this continued coercion would not tend to degrade the people, and protract their moral improvement? He should like to hear government say, "We have long tried coercion, and it has failed; let us now try what may be effected by conciliation." He was sure it would be found most beneficial. He would, in a few words, show what had been the effects of a zealous attempt at improvement in that country. An hon. friend of his had put into his hands a document which referred to the establishment of Sunday-schools in Ireland. They had been long tried; but the result had answered the most sanguine expectations. They were carried on upon a good principle. The scriptures were read without note or comment. Every moral principle was strictly inculcated, but no particular religion was taught. The consequence was, that Catholic parents had no objection to send their children. In the province of Ulster, with a population of two millions, there were 11,177 Sunday-schools, having 120,000 scholars, who were instructed by 8,000 gratuitous teachers. The proportion of the scholars to the whole population was 1 in 17. In Leinster, with a population of 700,000, there were Sunday-schools, having 19,000 scholars, instructed by 1,900 gratuitous teachers, the proportion of the scholars to the whole population being 1 in 22. In Connaught the population of the children who attended those schools was 1 in 206; and in the province of Munster, with a population of about 3,000,000, the proportion was one in 450! Did not these facts speak for themselves? In those parts where there was most instruction there was least riot and disorder; for riot and disorder were connected with ignorance, but peace and good order were the hand-maids of instruction. The next point to which the hon. member alluded was the establishment of a society of ladies lately formed in London, for improving, or rather, of civilizing the women in the western parts of Ireland. By the exertions and example of this admirable association, 210 societies of ladies had been already formed in Ireland for carrying this praiseworthy object into effect. The mode they adopted was most judicious. They meddled not with religion; they distributed no tracts or pamphlets (though he did not mean to undervalue the exertions of those who adopted that course); but they warmly exerted themselves to better the condition of those poor women, to improve their moral habits, and by this means to take the most effectual step towards improving the morals of the men. This matter had been so warmly taken up by the ladies of Ireland, that his hopes of the improvement of that country were mainly founded upon it. Why was not something of this kind done by the government of Ireland? Upon the subject of the tithes, he was glad to see that at length there was a disposition to do something. He could hardly have expected, after what took place last session, to hear the word "commutation" in the propositions of the right hon. secretary. However, it was not his desire, to reflect upon government, because they showed themselves ready to make some concession. But, while it was required from him and his hon. friends to abstain from any allusions which might have the effect of increasing the irritation, they were at least entitled to know upon what grounds the right hon. secretary rested his hopes of restoring the peace of the country. Let the right hon. gentleman say how long it would take, by means of the Insurrection act, to put down the disturbances. Let the House at the same time consider the peculiar situation of that country, and the particular state of Europe. Could it be believed that the powers of Europe, should England come into collision with them, would neglect to take advantage of the disturbances in Ireland to distress the English government?

Mr. *Robertson* said, that in his opinion all the troubles of Ireland arose from the persecution of the Catholic religion. Whilst a great portion of the population were kept aloof from the privileges of the constitution, it was impossible to hope for permanent tranquillity. The renewal of the Insurrection act was only throwing a firebrand amongst the already inflamed population of that country. They must go deeper and reach the causes of the disaffection. It was the moral principle of man which was at work in Ireland, which forbad him to rest satisfied with degradation unjustly inflicted. They could hardly expect, indeed they ought not to hope, that the country would be at rest while those degradations were continued. He would show, by a reference to past events, how little measures of coercion were calculated to supply the place of fair and equal laws. At a time when all the monarchs of Europe were leagued with the church of Rome against the Protestants, how had they succeeded? Not one Dissenter had been reclaimed to the Catholic worship. Charles 5th had tried in vain the united power of the church decrees, his own political importance, and the vast wealth which he had at his command. Much blood had been shed; but the only effect of it had been to bind the Protestant in a union up till that time unknown. The fate of France about the same period was equally worthy of notice. Torn by religious divisions, the massacre of St. Bartholomew had been of no effect. Let the house take an example of quite a different tendency from Prussia. The wise founder of that monarchy, though he had more reason to dread the power of Rome than any of the contemporary monarchs of Charles 5th, had nevertheless refused to adopt any measures for securing uniformity of religious faith, or for punishing the variance of religious opinions. The consequence had been concord between men of different persuasions. He pointed out the example of Scotland in illustration of his argument, and the situation of the Greek Catholics under the Mussulman empire, which had the strongest resemblance to the treatment of the Irish Catholics under the government of England. As he saw no likelihood of mere oppression doing more for Ireland than it had done in any of the cases to which he had referred, he should give his support to the amendment.

Sir *N. Colthurst* said, he was perfectly sensible of the kind motives by which the hon. member who spoke last was actuated, but when rebellion was at the door was not the proper time to talk of conciliation. It was the duty of the house to arrest the evil before it went further. Within the last fortnight, a number of armed men, amounting to at least a hundred, headed by a person of a better description, had appeared within four miles of Cork, and, though pursued immediately by the military, there had been no detection. It was evident that the ordinary course of law was not sufficient: 180 persons had been discharged at the assizes for want of evidence. From eighty to one hundred burnings had taken place, and there had been but one conviction. If the Insurrection act had been enforced with firmness, Ireland would not be in its present state. The Irish government had shown a culpable lenity towards the disaffected, and had thereby paralyzed the efforts of its servants. The people, instead of feeling gratitude for that lenity, mistook it for a manifestation of fear. He referred the House to the representations made by the grand juries, to show how extensive and systematic was the plan upon which the insurgents acted. Not one of them could be prosecuted to conviction, because it was understood that their deaths would be avenged upon those who should venture to appear against them: 160 had been turned out of one prison for want of a prosecutor. So great was their zeal, that at this very time the belief was general amongst them, that something important was about to happen; and the danger was the greater, as at this very time there was more poverty and distress in the country than had ever been known before. He opposed the amendment, because he felt convinced that coercive measures were indispensable to the restoration of tranquillity.

Lord *A. Hamilton* said, that the facts stated by the hon. baronet would rather influence him to support the amendment. If poverty and distress were now more general throughout Ireland than ever, and if measures of severity similar to the present had been passed for the last twenty years without any success, what, he would ask, could be hoped for from the present motion? For the eighteen or nineteen years which he had sat in that House he had heard the same complaints, and the same measures of severity had been always proposed. These measures had been reprobated by every hon. member (with the exception of one), who now sat on the Treasury-bench. He had heard them reprobated by the attorney-general for Ireland, who had characterised them as the extinction of the constitution, and had affirmed that proscription and death were not fit engines of government. Why, he would ask, was the right hon. gentleman's present conduct inconsistent with his former sentiments? Within these six years he had deprecated measures similar to that proposed this night. Within that period he had maintained, that Catholic emancipation was the sweeping measure, the *sine qua non*, without which nothing beneficial could be effected for Ireland. With respect to the measure before the House, he thought it in the highest degree severe, that a man should be liable to transportation for being out of his house between sun-set and sun-rise. Last year this bill was passed as a temporary measure to put down sedition, and now it was said to be more necessary than before. It was therefore fair to infer, that the measure would be now as useless as it had been at any former period. With regard to tithes, they had been complained of in Ireland for twenty years before the Union; they had been denounced by the right hon. baronet (sir J. Newport), who had raised his prophetic voice in that House and made many motions respecting them, none of which he had succeeded in carrying. To these motions ministers had given no countenance. When his hon. friend, the member for Aberdeen, brought forward his motion on the subject, it was opposed, and commented upon with great asperity by the attorney-general for Ireland, as a system of fraud and spoliation; it was maintained that church property was like that of private individuals, and should be respected accordingly; but now, in opposition to those sentiments, they had brought in a bill to compel a commutation. With regard to Ireland, he took into his full consideration the alarming situation of that country, in which the inhabitants were in nightly expectation of having their doors burst open; but still he thought that, as measures of harshness had been resorted to so often without effect, the House should now be disposed to investigate the cause of these disorders, and avoid, if possible, the beaten track of severity.

Mr. *Plunkett* said, that as he had been much misrepresented, but no doubt unintentionally, by the noble lord who had just sat down, he must take the liberty of addressing a few words to the House upon this question. He could not be fairly charged with inconsistency for the support which he was now giving to this bill, inasmuch as he had advocated it last year, and also in 1806, when he was connected with the duke of Bedford's administration in Ireland. He allowed that it contained a most unconstitutional principle, seeing that it annihilated the trial by jury; and he lamented, as much as any man could do, the melancholy necessity which compelled the government to inflict it at present upon Ireland. Still, the measure was to be only of a temporary nature, and was much better than the introduction of martial law, which appeared so desirable to the hon. member for Cork. The introduction of martial law, he, for one, did not like; because, it was sure to produce irritation, and it could not be attended, either directly or remotely, by any conciliatory or beneficial consequences. The great evil under which Ireland at present laboured, was the reluctance felt by individuals to come forward to give their evidences. Would the introduction of martial law cure that evil? And if it would not, would martial law justify those who resorted to it in punishing individuals without any evidence at all? If evidence could be procured, the present law would be sufficient to meet the grievance: but, unfortunately, there existed at present in Ireland a terror superior to the terror of the law, and which paralysed every effort to carry it into execution. The learned gentleman then proceeded to defend himself from the charge of inconsistency which had been brought against him for his conduct in respect of the Roman Catholic claims. He contended, that to that question he had clung with adhesive grasp both in its good and in its bad fortune. The noble lord had said, that, considering his conduct regarding that important subject, it was quite impossible to repose any confidence either in his sincerity, or in that of any of his colleagues. Unfortunately for the noble lord's assertion, he had received from the Roman Catholics of Ireland, since the late unfortunate decision on their claims, the most satisfactory assurances, that they approved of every thing he had done to forward them. It was true that, in 1813, he had expressed his opinion of the disadvantage of bringing their claims forward with a divided cabinet. He would again repeat what he had then said, that, in his opinion, Catholic emancipation ought to be a *sine qua non* with every administration, and that it was a measure upon which the safety and tranquillity of Ireland principally depended. He thought that there was nothing in his expressions at that time which precluded him from obeying the orders of his sovereign in taking office under the present ministry. In 1813, he had entertained doubts of the sincerity of the ministers who then advocated Catholic emancipation. Those doubts had since been removed, in consequence of the great exertions which had been made to forward that cause by a noble lord now no more, and also by a right hon. friend (Mr. Canning) who was now seated near him. In 1813 he had also thought it feasible to obtain a cabinet whose members should be unanimous in their opinions upon that subject. At present he was convinced of the impossibility of ever seeing any such prospect realized. When, therefore, he saw that his majesty wished conciliatory measures to be adopted towards Ireland, and also that the government in that unhappy country was determined to discountenance the system by which its grievances and discontents had been so long fomented, he felt that he should not be weakening the cause of Catholic emancipation, by going over to the side of the House on which he now sat; and he, therefore, had gone over to it, retaining all his old, and not adopting any new opinions for the guidance of his political conduct. He had made these remarks in consequence of what had fallen from the noble lord, whose observations appeared to him to press more upon the individual who then addressed them, than they did upon the question immediately before the House. He would now say, that were he inclined to vote for the inquiry proposed by the noble lord, he would not vote for it as an amendment to the present motion. Without saying whether he would or would not vote for that inquiry, were it brought forward as a substantive motion, he would say this—that it deserved a separate discussion, and that at any rate it ought not to be obtruded on the House as a secondary consideration, when it was necessary to obtain an unanimous vote from it, in favour of the insurrection act, in order to dispel any delusion which might exist in the mind of any misguided wretches, respecting the light in which they were regarded in either House of Parliament. The learned gentleman then proceeded to argue that he was not inconsistent in giving his support to the present tithe bill, after the opinions which he had formerly expressed regarding the inviolability of church property. The noble lord had complained of the asperity with which he had condemned the propositions submitted to the House by the hon. member for Aberdeen. He begged leave to assert that he had never intended to use any such tone as the noble lord had attributed to him. All that he had then said was, that the property of the church was not public property, to be cut and carved at pleasure; and what he now maintained was this, that though the property of the church was as sacred as any private property, it was still liable to those regulations of the legislature to which other private property was liable. In conclusion, he again lamented that this act should be necessary, and if any hon. member could propose a better, he would willingly adopt it. One proof that the powers which it gave had not been improperly employed had been furnished them that evening by the hon. member for Cork, who had complained that they had been administered with too much lenity. He thought that, under such circumstances, the House might fairly bestow those powers once more upon the Irish government; seeing that the only complaint which had been made against it arose out of the discretion and moderation with which it had exercised the extraordinary powers committed to its charge.

Sir *J. Newport* agreed, that his right hon. friend had no wish to curtail the necessary powers of the government; but the question was, whether the powers now demanded were necessary? In 1803, the Habeas Corpus act had been suspended and martial law had been introduced. The same had been repeated in the following year, and an hon. friend (Mr. Elliott) had then implored the House to observe carefully what they did; another hon. member had observed that the minister stopped the constitution with as little ceremony and as little regard for the current of public opinion, as a miller would stop his wheel. Had not this been true? He had then asked, as he did now, whether such measures were necessary for the safety of Ireland? And, in putting that question, he had been supported by Mr. Windham, Mr. Fox, and a noble duke then a member of that House, and he was answered with—"Grant us the power; trust to us for the fair and proper use of it." In 1810, the Insurrection act was renewed, and on all occasions they had been referred to to-morrow and to-morrow; which to-morrow, he was sorry to say, never arrived. In each successive case, the language of ministers at the time they asked for those extraordinary powers had been this:—"Put down the disturbances, and then inquire into the causes from which they originated;" and afterwards, when they had quelled the disturbances for a time, and were reminded of their promises about inquiry, the answer had been "The disturbances are now happily over—why should we agitate the country by inquiring into the cause of that which at present has fortunately no existence?" Against such conduct he had been remonstrating for the last twenty years, and he would repeat what he had often said before, that they would never succeed in tranquillizing

Ireland without entering into a full inquiry into the various grievances under which she was labouring.

Lord *Ennismore* said, he considered that the Insurrection act ought to be passed, but with considerable amendments. In some parts of Ireland many were prevented by fear from becoming public prosecutors. The act was not, as it stood at present, sufficient. But one punishment existed in it, and that was transportation for seven years. Now, that would be a heavy punishment to a man who was a husband and a father of a family; but to a single man it was inconsiderable. He insisted that the lord lieutenant ought to be invested with power to put any district under martial law; for that measure was the only one held in terror in Ireland. The people feared a trial before a tribunal which was not to be influenced by the ingenuity of barristers or attornies. Such tribunals were necessary in such a country. He could assure the House, that not a night passed last winter without excesses of some kind or other. He, therefore, thought that government should be enabled to use more vigorous measures. The absentee system was, he admitted, one great source of misery to Ireland; but it should be recollected that gentlemen who continued to reside there were obliged to keep their doors and windows barred, and sat down to dinner with fire-arms on their table. The lower classes in Ireland were certainly possessed of warm and generous feelings, but they lived in a state of entire ignorance of the power and resources of this country. They attributed every thing to fear; and considered every act of this country as resulting from that cause. It was with sorrow that he felt obliged to state a fact which would, at first, seem hardly credible, but he could assure the House of its truth, and it resulted from the opinion which the peasantry of Ireland entertained of this country. They actually considered that the subscription which had kept so many thousands from starving during the last summer, was the result of fear, and not of benevolence. Before tranquillity could be expected to prevail in Ireland, it was necessary to strike terror into the lower orders. They must be made to know that the law was strong, and that they could not break through it. When this was done, measures of conciliation ought to be tried. In those measures the landholders of Ireland—vilified as they had been—would most cordially join; but until this was done, all conciliation was useless. The persons by whom the insurrection was fomented and kept up, had nothing less in view than the total extirpation of the Protestants. Unless the strongest measures were resorted to, he had no doubt that a formidable rebellion would break out. He would assert, that there was a larger portion of the population of Ireland ready for rebellion at this moment, than at any former time.

Lord *Milton* rose, for the purpose of cautioning the House, and particularly the gentlemen of this country, not to listen too eagerly to such representations as those which had been made by the noble lord; and which really appeared to have been made for the express purpose of hallooing on the government to acts of tyranny against the people. The noble lord must forgive him if he said, that the speech he had just made was another inducement to him to disbelieve the representations of the magistrates of Ireland. He was himself not unacquainted with Ireland. The barony with which he was more particularly connected was not at all disturbed; and yet the magistrates had thought fit to put in force the constabulary act, and had accompanied it with a declaration that the barony was in a state of tranquillity, but they had taken this step for purposes of precaution. He did not look upon the emancipation of the Catholics as the panacea for all the evils which afflicted Ireland. He wished to see this notion, which was a delusive one, dispelled. Those evils arose from the ignorance of the population. He would intreat the House to compare the state of education in the North with that in the South. They would find that the state of tranquillity very much corresponded. They ought to devise some means of educating the lower orders; for until the barbarity which was the result of this ignorance was removed, they might rule Ireland by terror, but they would never produce tranquillity. The noble lord had said a good deal about the spirit of the lower orders in Ireland; but he had omitted to state that for which they were proverbial—the kindness of their hearts. The fact was, that they were a people to be governed by love, and not by fear. The tranquillity of that country was to be secured by inspiring confidence between the different classes of the people, and not by that increase of severity which had been just recommended.

Mr. Secretary *Peel* said, there were two propositions before the House—that for the continuation of the law, and the amendment. Besides these, there were the recommendations of his noble friend who spoke last but one. He would defend that noble lord from any personal imputation, in consequence of the proposal which he had made; but he could not accede to that proposal. He would not have the coercion, enforced by this act, either increased or diminished. He considered it under existing circumstances a necessary measure; but, at the same time, he regarded it only as a temporary one. He thought that martial law should not be introduced but under the most urgent circumstances; and he therefore deprecated all allusion to it. It was beneath the dignity of parliament to hold out threats which it did not mean to put in execution. It had been complained on the other side of the House, that government had resorted to measures of coercion for the last twenty years. He would appeal to every candid man, whether every measure which had been suggested for the relief of Ireland had not been attended to with the utmost anxiety. It had been alleged that partiality existed in the appointment of sheriffs. The first act of the administration with which he was connected, had been to assimilate it as much as possible with the practice of England. Similar measures had been taken with respect to grand juries, the powers of which were said to be abused. The illicit distilleries were, at another time, alleged to be the cause of some of the disturbances. This had been partly remedied by the consolidation of the exchequers, and would be still further relieved. He sincerely believed that most of the evils which at this moment disturbed Ireland sprang from the maladministration of the common law of the land. So highly did he think of that law, that he had no doubt if it were vigorously and impartially administered, there would be no necessity for recurring to other means. It was for this reason that he wished to see the magistrates aided by an active and responsible body of police. The deficiency of magistrates had also been alleged as one cause of the disorders. This, too, had received the attention of the government. The lists of the various counties had been made out, for the purpose of revising them, and this work was now going on alphabetically. Believing that early intercourse between Catholics and Protestants, and their receiving the same education, without any reference to religious differences, would have a happy effect in allaying discords and dissensions, he had, when he was in Ireland, endeavoured to form a society for this purpose. That endeavour had been to a certain extent successful; and, unless he was misinformed, a sum of 9,000*l.* had been this year added to the available funds of the society. Thus he had attempted to show the House that every measure, with the exception of Catholic emancipation, had been tried for the purpose of ameliorating the condition of Ireland. Did the noble lord think that the inquiry which he suggested could lead to any practical result. The extension of education in Ireland, and the improvement of the linen-trade, were doubtless important objects; but would it be desirable to take them into consideration together with twenty other things at the same time? The House had a very fair specimen of Irish inquiry in the one which was now going on relative to the sheriff of Dublin. If that inquiry had taken up so much time, what would the House say to an inquiry into the whole of the laws of Ireland, and the manner of their administration? With regard to Catholic emancipation, if it could be proved to him that it would cure all the evils of Ireland, he would accede to it; but he well knew that it would not have that effect, unless something were granted to the Catholics, which he was not prepared to concede. If the Protestant religion was to be maintained in Ireland, as the religion of the state, then Catholic emancipation would not be the basis of tranquillity. It might produce further contention; but it would not produce safety. He had heard that emancipation would not satisfy the Catholics, without a change in the mode of supporting the Catholic clergy. He hoped, however, that the Protestant religion would be maintained. He should be sorry to see the Catholic, the established religion of Ireland. At the same time, he would not wish for any thing which would be hurtful to the feelings of the majority of the people. He would propose a strict administration of justice, and the preservation of their rights, both to Protestants and to Catholics. He trusted he had shewn that Catholic emancipation would not tranquillize Ireland any more than the other measures which had been proposed; and that as under the present circumstances of the country the Insurrection act was absolutely necessary, so it would be continued.

Mr. *Spring Rice* contended, in opposition to the assertions of the right hon. gentleman, that, dividing the interval since the Union into two periods, the latter commencing with the administration of the marquis Wellesley, there had not been, in the former period, any thing done by the government, worth mentioning, for the tranquillization of Ireland. It was not by Insurrection acts that that desirable object was to be secured. Something must be done in the south of Ireland to give increased means of employment to the people, or they must be enabled to emigrate to seek employment elsewhere. The increase of local taxation was an evil of great magnitude. It was hardly credible, that, within the last ten years, the local taxation of the city of Dublin had increased from 2,400*l.* to 27,000*l.* per annum. Though he approved of the amendment, he should give his reluctant support to the Insurrection act, because he felt that withdrawing it at the present time might give countenance to the disaffected, and weaken the efforts of the magistracy.

Mr. *V. Fitzgerald* supported the original proposition, and defended the conduct of the different governments of Ireland, who, he contended, had used their best efforts to tranquillize that unfortunate country. He expressed his astonishment, after the manner in which that House and the people of England had commiserated and relieved the distresses of Ireland, to hear it asserted that Ireland had only known England in her coercive character. The misfortunes of Ireland were to be attributed, not to the conduct of those by whom she had been governed, but to moral causes, which no government could effectually control.

Mr. *P. Moore* said, he had uniformly opposed this bill, and must continue to do so. With all the exertions of all the governments of Ireland, that country was now in a ten times worse state than ever. Instead of passing this act, he would rather throw the marquis Wellesley upon his own resources, by giving him a discretionary power to act as he thought fit.

Mr. *Becher*, if he could get nothing better, was bound to support the measure, bad as it was, as one of necessary protection; but he maintained, that if it were wished effectually to put down the existing evils in Ireland, measures of a very different character were indispensable. The state of Ireland at the present moment was most alarming. He was persuaded, that nothing but the presence of a military force prevented the Irish people from using the arms which they had obtained by night, in open day and in open rebellion. A reduction of rents and a commutation of tithes were among the measures indispensable to the restoration of order in Ireland. But, all that was done should be done firmly, and without affording the slightest ground for the belief, that it was obtained by intimidation. It was most desirable to use the approaching summer season for the purpose of providing against the occurrence of those dreadful outrages which it was to be feared would otherwise break out in the next winter. Adverting to the recent measures, having for their object the purification of the magistracy, he expressed his doubt of their efficacy; knowing, as he did, that in many places efficient magistrates had been removed, and inefficient ones substituted. He would vote for the amendment in the first place; and, if that should be disposed of negatively, he would then vote for the original motion.

The House divided: For the original motion 162. For the amendment 82.

List of the Minority.

Abercrombie, hon. J.
Allen, J. H.
Baring, sir T.
Barnard, vis.
Barrett, S. M.
Becher, W. W.
Bennet, hon. H. G.
Bentinck, lord W.
Benyon, B.
Byng, G.
Carter, John
Caulfield, hon. H.
Cavendish, H.
Chaloner, R.
Clifton, visc.
Colborne, N. R.
Creevy, T.
Davies, T.
Denison, W. J.
Denman, T.
Duncannon, visc.
Ellice, E.
Fergusson, sir R.
Foley, J. H.
Folkestone, visc.
Glenorchy, visc.
Grattan, J.
Grenfell, P.
Gordon, R.
Griffith, J. W.
Haldimand, W.
Heron, sir W.
Hill, lord A.
Hobhouse, J. C.
Hornby, E.
Hume, J.
Hutchinson, hon. C. H.
James, W.
Jervoise, G. P.
Johnson, W. A.
Kennedy, J. F.
Knight, R.
Lamb, hon. G.
Langston, J. H.
Latouche, R.
Leycester, R.
Leader, W.
Maberly, J.
Maberly, W. L.
Martin, J.
Milbank, M.
Maxwell, J. W.
Milton, visc.
Monck, J. B.

Moore, P.
Newport, sir J.
Normanby, visc.
O'Callaghan, J.
Ord, W.
Osborne, lord F.
Palmer, C.
Palmer, C. F.
Parnell, sir H.
Pelham, hon. C. A.
Philips, G.
Philips, G. H. jun.
Power, R.
Price, R.
Poyntz, W. S.
Ramsden, J. C.
Ricardo, D.
Robarts, G.
Robinson, sir G.
Russell, lord J.
Robertson, A.
Scott, J.
Smith, J.
Smith, W.
Smith, T.
Stanley, hon. E.
Whitbread, S. C.
White, col.
Williams, J.
Wood, M.

TELLERS.

Althorp, visc.
Rice, T. S.

HOUSE OF COMMONS.

Wednesday, May 14.

FOREIGN WOOL TAX—SIR J. SINCLAIR'S PETITION AGAINST THE REPEAL OF.] Sir *J. Sebright* presented a petition from sir J. Sinclair, praying that the duties on foreign wool might not be repealed. He stated, that the petitioner felt convinced that if he could have an opportunity of exhibiting to the House the fine cloths which he had caused to be manufactured from English wool, it would go a great way towards convincing them how needless the importation of foreign wool was. It had been proposed to him to bring down a piece of cloth with the petition, and to cause it to be laid upon the table, for the inspection of members. To this he had replied, that the proposition was not a regular one. But there was another course, to which there could be no objection, and that was, for the petitioner to present him with a coat of the finest cloth made from English wool, in which costume he would appear before the House on presenting the petition. The proposition being acceded to, he was enabled to appear before them, as they now beheld him, and he trusted in no very discreditable condition. He begged leave to bring up the petition; and when he had committed it to the care of the House, he should wait a reasonable time in the lobby, to give those gentlemen who wished to satisfy themselves upon the subject, an opportunity for examination.

Ordered to lie on the table.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a committee to inquire into the conduct of the sheriff of Dublin, sir Robert Heron in the chair,

Mr. *William Lewis* was called in; and examined

By Colonel *Barry*.—What is your situation?—I am an attorney by profession.

Do you recollect going shortly after the riots to the gaol of Newgate?—I do. I was called upon to go to the gaol of Newgate, to see if I could identify any of the prisoners that were in custody for the riot at the theatre.

Who went with you?—Major Tandy. I was shown the yard in which the prisoners were. I did not point out any person there, that threw the rattle; but I did point out the person of a man, who answered the description of the person, that I thought threw the rattle from the gallery.

Did you ever afterwards hear who that person was?—I never saw until I saw it in the papers at Shrewsbury.

It was not George Graham?—I do not know that it was not George Graham.

You did not point out a person that you thought was the person who threw the rattle?—I did in this way; the man that I thought threw the rattle, was a man dressed in a particular garb, and the dress of that man answered my view of him in the gallery; but I could not identify his person.

Were you told afterwards, that that was not the man?—I was not; I was told that he was not then a prisoner.

Do you recollect afterwards being shown Graham?—I believe I do.

And you did not identify him?—Certainly not.

Do you now take upon yourself to say, that the man you pointed out to the under gaoler, was the man who threw the rattle?—I do not.

Do you now undertake to say, that George Graham was not the man who threw the rattle?—I do not.

Mr. *Joseph Henry Moore* called in; and further examined

By Mr. *Brownlow*.—Did you attend the grand jury in January last, under the impression, that bills of capital indictment were to be preferred before you?—Public rumour spoke to that effect, and I knew nothing to the contrary, until the counsel for the crown stated, that bills would not be sent up capitally; the general impression was so, certainly.

Were you aware that certain prisoners were committed capitally, for the play-house riot?—Such was the public report of the legal proceedings; I knew nothing until I heard it declared by the judge, that it had been withdrawn in a negative kind of way; I can answer that the court declared that the capital charge had been withdrawn. Until after the counsel for the crown declared that it was withdrawn, my impression was, that we were to try a capital offence.

Were not the jury sworn before the counsel for the crown stated that?—I cannot undertake to say whether it was before or after, but I believe after.

Did you attend in court under that impression?—Certainly I did.

The right hon. *William Conyngham Plunkett* was further examined in his place,

By Colonel *Barry*.—Do you recollect the petit juries that were impanelled for the trials of the ribbon-men, in the beginning of November term last?—I recollect that there were petit juries impanelled for the trial of some ribbonmen, but I do not recollect who they were.

Do you recollect whether you challenged on the part of the crown, any, or how many, of the persons so on the panel?—I am almost certain there were challenges made on the part of the crown; how many, I cannot recollect.

Do you recollect the name of Barrett Wadden?—I recollect his name perfectly.

Do you recollect that he was the only challenge made on the part of the crown on that occasion?—I do not recollect that his name was called; I did not recollect having heard his name till the present occasion.

You stated on a former day, that you had seen the rules and regulations and extracts from the books of the Orange societies, would you have the goodness to state whether it was previous to, or subsequent to, the riot at the theatre, that you saw those extracts?—Certainly subsequent; I never had communication with the person from whom I received them, till long subsequent to the riot at the theatre.

John Crosby Graves, esq. called in; and further examined

By Colonel *Barry*.—Were not you examined before the grand jury, as a witness upon the bills of indictment sent up in January last?—I was.

What was the conduct of the grand jury to you; did they behave with courtesy and fairness to you in your examination?—I conceive so, certainly.

They showed no disrespect or impatience during your examination?—Certainly not.

Have the goodness to state any thing which comes within the question put to you?—On going into the grand-jury room, a statement was made to me; "it is unnecessary to interrogate you, Mr. Graves; you will have the goodness to state what evidence you think material which you can give." I did make such a statement of the facts within my knowledge, and the jury heard them with courtesy and politeness.

Do you recollect, at any period subsequent to the 4th of November, the persons that were around the statue being dispersed by the military, and some persons being wounded in that transaction?—I recollect hearing of the circumstance.

Have you any doubt that some persons dressing the statue were dispersed by military force, without any orders from the civil power?—I heard so, I have no reason to disbelieve it.

Do not you conceive that would be an additional cause of irritation?—I certainly should contemplate it as one.

Have you ever seen the almanack for the year 1823?—I have, or rather the chronicle which is placed at the close of the almanack; it is bound up with the almanack.

A sort of annals of Dublin?—Yes.

That is furnished to the different offices at the expense of government, is it not?—It is. It is stated to be published by authority.

Did you ever see the account of the business of the theatre, as affixed to those annals as published by authority?—I did see two versions. One of the copies contained one reading of it, and another another, varying in the phrase. I recollect one stating that on the night of the riot at the theatre, a heavy piece of timber, and another stating that a heavy log of wood, was thrown at his excellency.

What did it say besides the piece of wood?—A quart bottle, I believe.

Did it not state a certain description of persons it was thrown by?—Assassins, I think.

And they added that he providentially escaped its taking effect?—I think that was the statement.

You were at the theatre that night?—Yes.

Did you see such a heavy piece of timber, or heavy log of wood thrown at the lord lieutenant on that night?—No; I believe that occurrence, whatever it was, took place while I was in the act of taking Mr. Forbes, whom I had apprehended by myself and another magistrate in conjunction with me, from the theatre, to the watch-house; I believe it occurred just in that interval, I did not see it.

Do you believe there was ever such a thing thrown?—I do believe a piece of timber; as to the weight of it, I have a pretty correct notion, but I can have no doubt that a piece of timber was thrown; I saw it produced upon the trial, and I saw it in the police-office.

Did it deserve the appellation of a heavy log of timber?—I think that was an exaggeration. I saw it in the police-office, and then measured it. It was precisely the head of such a rattle, as is bought in the toy-shops to go to a masquerade; less than a watchman's rattle, it weighed eight ounces and a half.

Was it proposed to you at any time, or in any place, to sign any informations respecting the persons who were accused of rioting at the theatre, or of conspiring to kill and murder the lord lieutenant, without having the informant before you, or without examining him as to the facts stated in his information?—No; it never was proposed to us to swear those informations at all, until subsequently to the committals, when we had the witnesses before us, and when we were directed to have the witnesses before us in the first instance; we had, at the police-office, before us, in the ordinary course, several witnesses appear, who had made informations before us in the ordinary course; they were taken in the usual way, the party was attested to them, and the jurat subscribed by the magistrate, and the party bound over to prosecute, but there were other witnesses who went to the castle, who did not come to the police-office, who made statements which were taken in the shape of notes, but some of them attested by a magistrate, but we did not see them at all, till they were sent down to us to be attested, in the shape of informations; the witnesses were then brought before us, and interrogated as to the facts; they then ultimately subscribed them, and were bound over to attend the commission.

Are you to be understood, there were no informations before the committals?—I have stated, that there were some informations in the police-office, one of the principal ones against Forbes I had myself signed; others were sworn before other magistrates; but there was a great body of other examinations not at all before us.

Did you, in any case, refuse or decline to sign any information on any account?—No.

Any committal?—I stated the facts, with respect to the committals, upon the last occasion; I did put over on another magistrate in my office the duty of signing the committal, for the reasons which I stated on my last examination; and in point of fact, I did not sign any committal.

Was it proposed to you at any time, or in any place, to sign any informations respecting the persons who were accused of rioting at the theatre, or of conspiring to kill and murder the lord lieutenant, without having the informant before you, or without examining him as to the facts stated in his information?—I have before said no.

Were you ever called upon to attest any information which you were not suffered to read?—No.

By Mr. *J. Daly.*—You were at the theatre on the night of the riot?—Yes.

When you were there, were you inclined to believe there was any attempt at assassination?—I can state the facts that I saw, I did not see the bottle till it was held up; it was held up, and there was a cry of shame; I did not see the fact of the bottle striking, that circumstance induced me to leave the part of the house where I was, intending to go the gallery to from whence the bottle was thrown; in so doing, I observed that the noise and disturbance, the riot as I considered it, extended to the boxes, in those boxes I apprehended an individual, one of three in the act of using whistles; I took that individual to the watch-house, and it was during my absence from the house, that the rattle, the piece of timber was thrown.

While you were at the theatre, did you conceive there was a plan or a plot for assassination?—No.

You were absent at the time the rattle was thrown?—I conceive so, for when I came back I heard a voice addressing the house from the middle gallery, adverting to that circumstance as having taken place; and it did not take place before I left the house.

By Sir *J. Newport.*—How long have you been in the magistracy?—Between eight and nine years.

Have you ever known any disturbance occasioned on the ceremonies of dressing the statue, by firing off guns and pistols in the streets, and alarming the inhabitants of College-green and its vicinity?—I have reason to know that the thing took place, that there was noise and letting off of guns; and confusion, and a crowd of people assembled, some of whom felt disapprobation, and some approbation.

Were any of the depositions laid before the grand jury?—I believe not; they are not, according to the existing law, laid before the grand jury unless they are called for, which was not the case here.

Did you see any of the placards that were thrown about the theatre?—I did.

What was printed on those placards?—A magistrate sitting in the box in which I did, alderman Darley, left the box, on an intimation of what appeared on one of those placards, and went up with a view to ascertain who had distributed them; that he failed in; he came down, and showed me three of them; on one of them there is printed, "No Popery;" on another, "The Protestants want Talbot, as the Papists have got all-but;" and "Fleming though he has got the mace, may find it hard to hold his place;" another was, "Ex-governor of the bantams must change his morning-tone."

By Dr. *Lushington.*—During the eight or nine years you have been a magistrate, did you ever receive orders to prevent any riot or disturbance on the day on which the statue has been usually dressed?—I have not received them, but such orders have been given.

Do you know that any riot or disturbance ever took place on the day when the statue was dressed?—Nothing that I know of, of any importance, until the July immediately preceding its being discontinued; I did hear of such a thing occurring on July 1822, that there was something of riot, a good deal of confusion and one or two persons hurt.

Christopher Galloghly called in; and examined

By Colonel *Barry.*—What is your situation?—A peace officer attached to the head police-office in Dublin.

Were you a witness before the grand jury, in January 1823?—I was.

How did the grand jury conduct themselves towards you when under examination?—As I conceive, as a grand jury ought to do.

Was it with civility and patience?—Yes.

They heard your whole story?—Yes.

Did anything whatever offensive happen to you, while you were in the room?—Certainly not.

Did you see much of the riot we have heard so much of?—No, I did not.

You apprehended some of the rioters?—Yes, I was with alderman Darley, when he apprehended Henry Handwich. There was a great deal of noise in the gallery, and some said that Handwich should not go; others said that Handwich must go; Handwich said he would go with alderman Darley.

Had you ever any conversation about the bottle, of which so much has been said?—I had; I was placed outside of the theatre with other peace officers; Crosby, a peace-officer, came and said, there was a bottle thrown; I proceeded with Crosby and Irwine to the gallery, and we mentioned that we heard a bottle was thrown, they all said that no such thing was thrown from that quarter of the house. I mentioned to Handwich, surely no person would be so daring, as to throw a bottle at the representative of majesty; Handwich said, "no person there would throw it;" I replied, "if you had seen any person I conceive it was your duty to take him into custody;" and several said, they would have taken any person into custody, that they had seen throw the bottle.

William Irwine called in; and examined

By Colonel *Barry.*—Do you belong to the police-office?—Yes.

Were you a witness before the grand jury, in January 1823?—I was.

How were you treated, when you were brought into the grand jury room?—With civility, as gentlemanly conduct as could be.

The House resumed. The chairman reported progress, and obtained leave to sit again.

STATE OF NEWFOUNDLAND.] Mr. *Hume*, in pursuance of his notice, rose to call the attention of the House to the State of the Colony of Newfoundland. The subject was one of very considerable importance, and he hoped to be able to convince the House of the necessity of giving immediate attention to it. His object was to obtain a committee to inquire into the present state of the revenues, fisheries and laws of that island, which had been much neglected of late. A bill had been passed (49 Geo. 3, c. 26) for the establishment of a supreme court of justice, and, as far as the enactments had been carried into effect, had been productive of good; but its jurisdiction and benefits were limited, and the anomalous system of surrogate courts was allowed to continue in the other parts of the colony, although the inhabitants had memorialized the government, and petitioned both Houses of Parliament against it. The hon. under-secretary (Mr. Wilmot) had some time ago, obtained leave to bring in a bill to regulate the affairs of the colony. But, when asked upon what information this House could legislate, there being no kind of information respecting the colony before them, except what is contained in petitions presented two years ago, the hon. secretary referred them to Reeves History of Newfoundland, written 20 years ago, for the facts relating to it: and he (Mr. Hume) could, after reference to that work, assure the House, that it furnished ample grounds for instituting an inquiry into the situation of that colony.

The House was not, perhaps, aware of the size and importance of the colony. In extent, it was larger than Ireland, and contained a population of from 90 to 100,000 souls. The state of its courts of justice, and the administration of the laws, was by no means suited for so large a population. It was an anomaly which ought not to exist in any British colony. The island had been compared to a ship of war, and not improperly, under the command of an admiral, who was the governor, and the offices under him entrusted to captains, lieutenants, and masters of the navy. The proclamation of the admiral on many occasions became laws, executed at the discretion of his officers. This system had originated when the colony was in a different state from the present one. Whilst the population consisted of individuals who only resorted to it in the summer season for the purposes of fishing, and returned to this country in the winter, it might have been proper, in the absence of civil judges, to give the commanding naval officer, and the officers under him, the power of settling disputes which too frequently arose amongst the fishermen. But the case was now very different. There was now a numerous population who remained on the island all the year, and their number was likely to increase if sufficient protection should be afforded them. It was indeed matter of surprise, that the British government should so long have allowed the inhabitants of that island to be so circumstanced. He had examined the system—if system it could be called—both as regarded the laws to be administered, and the manner in which they are administered. He found it to be temporising, without any regular plan, and chiefly left to the discretion of the admiral and the officers he appoints. He did not wish to cast any improper reflection on the officers of the navy; but every person who knew what the general education of naval officers was, must admit, that it did not fit them for the exercise of that discrimination and patience so essential in the administration of justice. Their education was of a different cast, fitting them more for absolute command, and for prompt decision in the enforcing their orders. They were habituated to an arbitrary and summary system, which, however useful in a ship, was neither necessary or agreeable any where else. The evils arising out of this system had been set forth in a memorial from the inhabitants of the colony to his majesty's government, and in petitions to both Houses of Parliament. They stated, that in the neighbouring British colonies of America and everywhere else, the judgment-seat is filled by gentlemen of professional education, and previous experience at the bar; but, in Newfoundland, the administration of justice is confided chiefly to the hands of captains, lieutenants, and even masters in the navy. The officers of such ships of war as are on the station are invested with surrogate commissions immediately on their arrival, and sent in the character of judges on maritime circuits to expound the laws of England: that under those circumstances the petitioners had little chance of obtaining justice. When the petition was presented to the House, on May 28th, 1821, an hon. member (sir Isaac Coffin) stated, "that he had himself been a surrogate. The mode of proceeding was, whenever the surrogate or admiral went on shore at any of the settlements, he took a boatswain's mate with him; and when any of the persons engaged in the fishery was brought before him for any offence, he ordered him a dozen lashes, and then sent him back again on board his fishing-boat. That was the law in his time." This he (Mr. Hume) believed to be still the practice in the remote parts of the colony; and was it, he would ask, possible that any thing like justice could be obtained, or satisfaction exist, under such an arbitrary system of proceedings?

From such proceedings he excepted St. John's, where a regular court had been established under the 49th of the late king, and he believed that much benefit had been derived by the colony from the valuable services of Mr. Francis Forbes, who had been chief judge in that court. Indeed, the advantages which had been enjoyed by those within the jurisdiction of Mr. Forbes had induced the inhabitants of the other districts of the island to wish for the abolition of the surrogate courts, and the extension of the powers of the supreme court. One of his reasons for proposing the appointment of a committee at the present time was, that it might have the advantage of Mr. Forbes's evidence on the state of the colony, which his residence and observation there had enabled him so well to give. Mr. Forbes was now in England, and preparing to proceed, as judge, to another colony, and it was very important to the efficient administration of justice in Newfoundland, that its present condition should be explained by such men as Mr. Forbes. He should be able to show, by evidence before the committee, that the proceedings of the supreme court under Mr. Forbes had given satisfaction to the colony, whilst the proceedings of the surrogates were the reverse. It was a reflection on his majesty's government, that such a system had been so long permitted there, as the abuses were numerous and most mischievous. In one of these courts, for example, he was informed, that he should be able to prove, that near 30 suits had been carried on by one brother as plaintiff, before his brother, a surrogate, and that the verdicts were all in favour of the plaintiff, though, as he was informed, contrary to law and justice. The name of the judge was Carter, and he wished to establish these facts by so respectable a witness as Mr. Forbes. He would also establish, by the evidence of the governor, admiral sir Charles Hamilton, who was now in England, and by Mr. Forbes, many extraordinary proceedings which had officially come to their knowledge; and which were of importance to be known by this House before they could, with propriety, legislate to remedy the existing abuses.

The trials in the supreme court in November 1820, of Philip Butler and James Landergan, versus David Bushan, esq. and rev. John Leigh, surrogates, shewed the severity exercised by them on the inhabitants, by flogging for trifling offences. The verdict of one jury was, "The jury, in finding a verdict for the defendants, cannot allow this opportunity to pass, without expressing their abhorrence of such an unmerciful and cruel punishment, for so trifling an offence, as that which has been inflicted upon the unfortunate plaintiff in this action."

An equal disregard to property and to public opinion, was often shown by the surrogates, and one example would suffice. A planter of the name of John Houlahan, was charged before the surrogate court of Fenyland for debt, and judgment given against him to the full amount of the claim. Mr. Robert Carter, the judge, instead of notifying to him, in the usual way, the order of the court, and that execution against his property would be levied, proceeded himself on the same morning that he gave judgment, to the estate of Mr. Houlahan, a distance of 20 miles from his own court, attended by Mr. Morrison a magistrate. The deputy sheriff attended, and, at 11 o'clock gave notice that the sale of Mr. Houlahan's estate and cattle would take place at 12 o'clock, to satisfy the award of the Court; and one of the conditions of sale was ready money at 4 o'clock—a most unusual condition of sale, and supposed to have been made with the intention of preventing bidders at the sale. If a committee was appointed, he should be able to prove, from the official statement in his hand, that owing to the want of due notice, and the conditions of sale, the cattle and property sold for one-fourth of their value; and that Mr. Robert Carter the surrogate, who directed these extraordinary proceedings, actually bought 10 of the 16 lots exposed to sale—that Mr. Morrison the magistrate, who accompanied him, purchased the largest lot, the plantation, for *56l.* 10*s.* when its estimated value was about 200*l.* That in this manner, the property of Mr. Houlahan, which was estimated worth 300 or 400*l.* sold for 83*l.* nett. This was a specimen of the manner in which justice was administered in the surrogate courts; and constituted as they were, it was in their power to ruin any man, under the forms of laws, and in the name of justice.

A bill was now before parliament, to amend the constitution of these courts, but the House ought not to proceed without entering into a full investigation of the subject before a committee, and thoroughly considering whether the alterations proposed would remedy the grievances which existed. These grounds, however, were not the only grounds on which he wished for inquiry. He was ready to prove, that the government of Newfoundland was carried on at an enormous expense, and that its revenues were not brought to the public credit, and administered in the best and most economical manner. At present, there were five or six vessels of war of different rates, stationed at a great expense at Newfoundland, for no other purpose, in time of peace, that he (Mr. H.) could discover, except to give the admiral the allowances of governor, and to allow him to appoint the commanders, officers, and surrogates, with extra allowances. The admiralty thereby had also a plea for extending their patronage by promotion, which would be found to have been considerable on that station. The colonists wished to have, instead of these naval judges, a resident civil government in the island; and he was certain that, in the committee, he should be enabled to prove that such a government would not only be less expensive to the country, but also more beneficial to it, and to the colony, than the present system. Indeed an alteration in that system was absolutely necessary by the change that had taken place in the colony. Its population had risen from a few thousands to near 100,000 souls, and its commerce had also increased in proportion. Its exports has exceeded two millions, and its imports half that amount of British manufactures, in one year. Upwards of 460 ships actually entered the port of St. John's in the year 1820. The colony would have been of much greater importance, if the laws and restrictions which have been in force had not interfered with their fishery and trade, and checked their prosperity. The acts of the 10th and 11th of William the 3rd, and the 15th and 26th of George 3rd, professedly to protect, had done much injury to the colony; and such a consideration ought to induce this House, without further delay, to ascertain whether what he had stated was true or not. He was prepared to prove, that the recent treaty with America, aided by the 4th of Geo. 4th, which imposed a duty on flour and bread imported into Newfoundland had nearly ruined the colony. The disadvantages under which the inhabitants of the colony now laboured were such, that the Americans and others would destroy the fishery—they would *outfish* us on our own shores. No wheat was grown in the island, and as the Americans had their provisions cheap, it was obviously our duty to make provisions as cheap as pos-

He had not made one charge until he had examined both men and documents as to its truth. He did not pledge himself to support local legislation; but he wished for a committee of inquiry, in order to do ample justice to the claims of a very large body of individuals, and to benefit this country by assisting the commerce and supporting the interests of her colonies.

The House divided: Ayes 27, Noes 42.

List of the Minority.

Bennet, hon. H. G.
Blake, sir F.
Butterworth, J.
Creevey, T.
Denman, T.
Ebrington, visc.
Folkestone, lord
Gurney, H.
Glenorchy, lord
Leader, W.
Marjoribanks, S.
Monck, J. B.
Maberly, W. L.
Newport, sir J.
Palmer, C. F.
Rice, T. S.
Ricardo, D.
Robarts, col.
Rickford, W.
Russell, lord J.
Scarlett, J.
Stanley, lord
Taylor, M. A.
Whitbread, S. C.
Whitmore, W. W.
Wood, M.
Wilson, W. W. C.

TELLERS.

Hume, J.
Bright, H.

HOUSE OF COMMONS.

Thursday, May 15.

Slavery.] Numerous petitions, from various parts of the kingdom, were presented, praying for the Abolition of Slavery.

Mr. *Baring* presented a petition from the agents of the West India colonies against any interference with the existing laws respecting Slavery. The hon. member said, he would not then express any opinion upon the question which was to be discussed that evening; but he could not refrain from observing, that it was one of the greatest importance, and involved the security of property to an immense amount, belonging to subjects of this country, as well as the lives and means of subsistence of all the West India colonists. The petitioners had no objection to the amelioration of the condition of the slaves. Indeed, they considered that amelioration as essential to the welfare of both parties; but it was another question, whether property, which had been acquired under the sanction of that House, should be taken away. If that property was to be said to be stamped with the character of immorality and injustice, he should be glad to know what improved morality and justice there was in the arbitrary deprivation of property, the acquisition of which the laws had allowed? He had always been a sincere abolitionist, and he had never given a vote with more pleasure than the one he had given on that question. He was also anxious to relieve the present race of slaves in the West Indies; but he was of opinion, that any measure having that object in view should be dictated by prudence and reason, and not by the new lights of enthusiasm and madness. To bring forward the subject of the abolition of slavery in that House, was to shed blood in the West Indies, and to cause a rebellion.

The several petitions were ordered to lie on the table, and to be printed.

Law Merchant.] Mr. *J. Smith* moved for a committee, "to inquire into the state of the Law relating to Goods, Wares, and Merchandize, intrusted to Merchants, Agents, or Factors, and the effect of the Law upon the Interests of Commerce, and to report the result of that inquiry with their opinion thereon, to the House."

Mr. Serjeant *Onslow* said, he could not allow the motion to pass without returning his thanks to the hon. member who had brought it forward.

Mr. *Marryat* doubted the expediency of altering the law on this subject. A great deal had been said about the situation of merchants and factors, but the truth was, that neither merchants nor factors were materially interested in the question. Those who stirred in this matter were the brokers, who were in the habit of advancing large sums of money on goods, without inquiring of those from whom they obtained them, whether they were their own property or not. By such practices they sometimes made great gains, but being exposed to occasional losses, they came to parliament to ask that they might be screened from the effects of their own imprudence by an alteration in the law of the land. He contended, that the evils under the law might be easily obviated.

Mr. *Sykes* thought that some alteration in the present law was absolutely necessary, as he had known instances in which the grossest frauds had been committed with impunity.

Mr. *Robertson* was opposed to the measure, and deprecated the intention of giving the consignee the power of making immediate money of the goods of the consignor under certain circumstances.

Mr. *J. Smith* said, that all he wished

for was an inquiry into the present state of the law, as he was confident that under it the greatest frauds and evils occurred.

The motion was agreed to.

Abolition of Slavery.*] Mr. *Fowell Buxton* rose, and addressed the House nearly as follows:—

Sir; I feel so sure, that every gentleman is prepared to ask me one obvious question, that I cannot do better than save the time and curiosity of the House, by affording that question an immediate answer. The question which, as I suppose, gentlemen are anxious to put, is, Why do you move in this question? What right have you to interfere in this great cause? Is there not in the House, and even by your side, a man to whom, when a motion on slavery is to be made, all eyes naturally turn; a man who now, for a period very little short of forty years, has been the faithful, indefatigable, eloquent, and, upon one great occasion, the victorious advocate for the negro? I hope there is no one, who deems so meanly, and I will say so unjustly of me, as to suppose that I encroach uninvited on the province of my hon. friend. It is in compliance with the earnest request—it is in obedience to the positive injunction of him whom I honour as the father of the cause, and who, no matter who may introduce the subject, must ever be recognized as its truest and best advocate —it is at his express bidding that I now rise.

Before, however, I enter on the important, and, as some gentlemen deem it, the very perilous question of which I have given notice, I feel myself called upon to advert to the advice which I have received, and to the warnings with which I have been favoured, of dreadful evils likely to be produced in the West Indies by the agitation of this subject. It is no slight matter, I have been told, and I admit it, to agitate the question at all. It is no slight matter to excite apprehensions, even the most groundless, in the minds of persons so respectable as those who signed the petition which has just been presented by the hon. member for Taunton. I can truly say, that I feel no degree of animosity, I harbour no species of prejudice, either against the whole body, or against any individual of the body of persons connected with the West Indies. I consider them as eminently unfortunate; particularly the hereditary proprietors, in this, that their predecessors were tempted to embark their property in a species of investment which, at that time, was considered to be moral and consistent with justice; but which, when the subject has been thoroughly sifted, is found to be irreconcileable with the principles of justice and humanity. With these feelings towards the West-Indians, deeming them rather unfortunate than culpable, I do consider it no slight matter to introduce any motion painful to their feelings.

It is no slight matter to drag into public view before the nation, and before surrounding nations, jealous of the reputation of this country, the worst, perhaps the only capital stain, on British policy; at a moment, too, when we have felt so keenly, and expressed ourselves so warmly, and all but incurred the hazards of war, for the sake of a nation threatened with political servitude: it is, I say, no slight matter to divulge the fact, that, of British subjects, there are one million living in personal slavery—not Spaniards, but our own fellow subjects; not threatened with, but enduring, not political interference, but personal slavery,—"personal slavery, in comparison of which," said Mr. Fox, "political slavery, much as I hate it, is a bare metaphor."

I have heard much privately—and the House has heard somewhat publicly—of the responsibility which I incur by the agitation of this question. And I admit, that a man ought to be pretty sure that his cause is good, as I am; and not only that his cause is good, but that the time is discreetly chosen, as I am; and that he is free from all personal considerations and prejudices, as I am; before he ventures to reject such advice, and to incur such responsibility. Why, then, do I incur that responsibility? First, because I am quite sure that the dangers, if not absolutely groundless, if not utterly imaginary, as I believe they are, have been much over-rated: and, secondly, because I am sure, that it is impossible to over-rate the real and substantial blessings that will accrue to a million of men, by the agitation of this subject in this House. I have not a notion that slavery can endure investigation. It must perish when once brought under the public eye. And I feel confident that a few minutes ago, we commenced that process which will conclude, though not speedily, in the extinction of slavery throughout the whole of the British dominions.

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* From the report published by the Society for the Mitigation and gradual Abolition of Slavery.

The good, then, to be obtained is incalculable. Now let us consider, for a moment, the price we are to pay for it. We have heard a good deal of late of the danger of insurrection in the West Indies. If this were the first time that slavery had ever been mentioned in this House; if I were the first rash man who had ever ventured to commiserate the condition of the negroes, perhaps there might be something alarming in the allegations of danger. But, it does so happen, that this same subject of slavery, and that infinitely more delicate subject of emancipation from slavery, to name which in this House, said the hon. member for Taunton, is to shed blood in the West Indies, have been debated again and again and again within these walls. It does so happen, that a committee of this House sat some thirty years ago, took evidence on this subject, and, what was unusual then, published it to the world. A committee of the House of Lords did the same. A committee of the privy council did the same. And it does so happen, that during those thirty years, every man of distinction in this House, without exception, has put forth his opinions on these subjects: not only the men professing to be the most eager for liberty, and who, therefore, might be supposed to overlook all dangers in pursuit of their favourite object—such men as Mr. Fox, Mr. Sheridan, Mr. Whitbread, and sir Samuel Romilly—but the very opposite of these in every point, except in point of talents; men, whose whole strength was opposed to the pursuit of ideal good, at the expense of present danger. When such men as Mr. Burke, Mr. Dundas, Mr. Pitt, Mr. Windham, and my lord Grenville:—when such men as these unreservedly and repeatedly avowed their sentiments on the condition of the slave; when they saw no danger in the avowal; when, of these cautious men the most cautious, Mr. Dundas, and the least addicted to change, Mr. Burke, each of them prepared, and one of them introduced into parliament, a bill for emancipation of the negroes, which, if it had passed, would have been in operation three-and-twenty years ago, and would have liberated, by this time, half the slaves in the West Indies—when, I say, these men thus thought, spoke, and acted; when they did so, in despite of those very arguments, and, as I will presently show, in defiance of those very warnings which have been offered to the House this night, I should feel that I betrayed a good cause if I suffered myself to be intimidated by any such extravagant apprehensions, or amused from my purpose by predictions which the fact, hitherto, has never failed to falsify.

It is at least a singular fact, that no motion was ever made in this House, on the subject of negro slavery, which has not been met with just the same predictions. No matter what the motion was; it was always attended with the same predictions in almost the same language.

In the year 1787, a very feeble attempt was made to abate the horrors of the middle passage—to admit a little more air into the suffocating and pestilent holds of the slave-ships. The alarm was instantly taken. The cry of the West-Indians, as we have heard it to-night, was the cry of that day. An insurrection of all the blacks—the massacre of all the whites—was to be the inevitable consequence. In the House of Lords, a man of no mean consideration in point of rank, the duke of Chandos, besought their lordships not to meddle with this alarming question. He might, he said, pretend to know a little more of the subject than their lordships—that his pockets were filled with letters from his correspondents in the West Indies, who declared, that the English newspapers were read by the negroes as regularly as the ships brought them; and that, so soon as they should come to the paragraph announcing that their lordships had thought it fit to lessen the sufferings of the middle passage, they would burst out into open rebellion! The bill passed, however; and, somehow or other, the prediction was not verified. About the same year, my hon. friend commenced that career with which his name will always be coupled; and which he brought to a glorious termination twenty years afterwards. Let any gentleman look to the proceedings in any one of those twenty years, and he will find three things:—First, an effort made by my hon. friend on behalf of the negro: next, on the part of the West-Indians, a prediction of insurrection amongst the blacks: and, thirdly, that prediction contradicted by the events of the year. Not only was each separate prophecy falsified by the fact; but, it is really remarkable to observe, if you place the whole train of prophecy on the one side, and the whole train of events on the other, how fully the latter refutes and overturns the former. Those twenty years, which, if the West-Indians are true prophets, ought to have been marked with perpetual violence, bloodshed, and desolation, were, in point of fact, remarkable for a degree of tranquillity in the British West Indies, unexampled in any other period of their history.

Again: at that time, this country was so greedy of the gains of slave-trading, that she not only supplied her own colonies with slaves, but became the carrier of other nations. My hon. friend, with his usual vigilance, discovered this; and introduced a bill to stop the practice. The cry of danger was revived. "If you stop that trade," said, in this House, the agent of one of the West-India islands, "you will occasion an insurrection of all the blacks. You will cause the murder of all the whites." But this—perhaps the fiftieth prediction of the same kind—was utterly falsified by the fact. Our negroes actually did not rebel because we ceased to supply rival colonies with slaves.

In the year 1802, lord Seaforth discovered a series of the most horrid and shocking murders that have ever been brought to light. I will not vex the feelings of the House, by detailing the barbarous particulars. But many hon. gentlemen will, no doubt, remember them—particularly the fact of the boy, who was killed in the gully. In short, never were there greater cruelties, than those perpetrated at that time in Barbadoes, by white men upon black. Some persons were brought to trial; convicted upon the clearest evidence; and punished with all the rigour of the law. And—what was all the rigour of the law? A fine, somewhat less than we, in this country, impose upon a man for killing a partridge: eleven pounds, four shillings, was the fine for these detestable murders. The governor proposed to the legislature of the island, that murder should be made a capital offence. The answer was precisely the same as that contained in the petition laid upon the table this evening—"It will cause a rebellion." The negroes, no doubt, would have been so shocked at the possibility of a white man suffering death, merely for killing one of themselves, that they would have taken to arms!

I will only notice one other prediction of the same kind. In 1817, little more than five years ago, governor Maxwell stated in a letter to lord Bathurst, that, "many acts of undue and unlawful severity towards the slaves had come to his knowledge, and particularly some cases where iron collars and chains had been added to their punishment, after they had undergone a severe whipping." He then states the following "cases of negroes, who were brought to governor Maxwell in chains, in which they were obliged to work, by their owners or managers, during the last three months:

"1st, A boy, about fifteen years of age: a large iron chain round his neck, fastened with a padlock, total weighing 22 lbs.

"2d. Two girls, of twelve years of age, much marked by the effects of the cart-whip; fastened together with iron chains round their necks, padlocked, weighing 18 lbs.

3d, A full grown man, after a severe flogging with the cart-whip, loaded with an iron collar and chains, weighing 21 lbs.

"4th, An old man, apparently sixty years of age, after having been severely beaten by his master, was placed in the stocks, with an iron collar round his neck, and chains, weighing 20 lbs.

"5th, A boy, about twelve years of age, loaded with an iron collar, chains, and log of wood, weighing 26 lbs."

What was the effect of the discovery of this abuse? The effect was, that the grand jury of Dominica, who met a few days afterwards, presented their governor as a nuisance. Here is the presentment of the grand jury of Dominica, dated 26 August, 1817.

"The grand jury of our sovereign lord the king do present: first, That they find the gaol in the same state as in February last, notwithstanding the repeated presentments of former grand juries: secondly, The grand jury lament, that they are under the necessity of noticing an improper interference, on the part of the executive, between master and slave, which has caused considerable agitation and discontent amongst the negroes, and if persevered in, is likely to lead to the most ruinous consequences."

Now, Sir, if the grand jury had said, that these whippings, and "iron torments," as the governor calls them, had produced agitation amongst the blacks, and that the interference of the governor had produced dissatisfaction among the whites, the presentment would have been very intelligible. But, when they say—and in such a formal manner too—that the slaves would be dissatisfied at the interference of the governor, which was intended for their protection—as if they felt themselves, as of right, entitled to be flogged, chained, ironed, and padlocked; and as if they were so tenacious of this, their precious right, that they would burst into rebellion, if any symptom were shown of a disposition to rob them of it;—this is really a little too much for English ears!

Precisely parallel, however, to this is the argument against me. I interfere, it is true. I shall offer suggestions, tending to improve the condition of the negroes. But, I should be glad to know which of these is likely to produce agitation and discontent amongst them. One of our first propositions is, That the slave shall have Sunday for rest and religious instruction; and that another day in the week shall be allowed him for the cultivation of his provision-ground. Is there any thing irritating in this?—Next, we say, That all Negro children, born after a certain day, ought to be free—free from their birth—never subjected to be bought and sold, and whipped, and brutalized. Surely, such a provision will be far from producing discontent! I am informed, on what I consider the best authority—that of a person intimately acquainted with the feelings of the negro population—that he knows of no bond, so likely to secure their fidelity, as benefits conferred on their children—the advantages of education—and freedom.—Next, we propose to get rid of the cart-whip. Will the negro be offended at that? Is he so fondly attached to the cart-whip, that, in order to secure the continuance of its use, he will rise in rebellion? In point of fact, all we propose to do is this—to ameliorate the condition of the negro—to give him something like the protection of British law—to reduce, not so much the power, as the possible abuse of power, in the master—and, above all, to rescue his children from that terrible condition, of which he well knows the bitterness. And, what is there in all this, calculated to rouse the furious passions of the negro? On the contrary, I am fully persuaded, that security is to be found—and is only to be found—in justice towards that oppressed people. If we wish to preserve the West Indies—if we wish to avoid a dreadful convulsion—it must be by restoring to the injured race, those rights which we have too long withheld.

I must notice one point requiring consideration, both from the West-Indians and from the members of his majesty's government: I mean the great change which has taken place during the last twenty or thirty years. What does the negro, working under the lash on the mountains of Jamaica, see? He sees another island, on which every labourer is free; in which eight hundred thousand blacks, men, women, and children, exercise all the rights, and enjoy all the blessings—and they are innumerable and incalculable—which freedom gives. Hitherto, indeed, no attempt has been made, from that quarter. The late emperor Christophe, and the president Boyer, may have been moderate men; or they may have found at home sufficient employment. But, who will venture to secure us against the ambition of their successors? It would be singular enough, if the only emperor who did not feel a desire to meddle with the affairs of his neighbours should be the emperor of Hayti. I touch lightly upon this subject. Let government—let the West-Indians—justly appreciate the danger with which they may be menaced from that quarter. It is a danger, however, which is aggravated by all the hardships you inflict upon the slave, and is abated exactly in proportion as you abate the misery of his lot.

Look at America. She may send at her own leisure, and from the adjacent shore, an army to Jamaica, proclaiming freedom to all the slaves. And—what is worse still—she may do so in exact conformity to our own example; not only in the first American war, but in the recent contest of 1813. Surely there is a lesson in this. And what is the lesson it teaches? That we ought to grind down the negro, until almost any change will be for the better—or that we shall upraise him in the scale of being, till almost any change will be for the worse? Mr. Pitt declared, that "it was impossible to increase the happiness, or enlarge the freedom, of the negro, without, in an equal degree, adding to the security of the colonies, and of all their inhabitants."

I do not mean to say, that there are not very great perils connected with the present state of the West Indies. On the contrary; I am quite sure—as sure as it is possible for any man in the House or in the country to be—that there is imminent peril at the present moment; and that that peril will increase, unless our system be altered. For I know, wherever there is oppression, there is danger—wherever there is slavery, there must be great danger---danger, in proportion to the degree of suffering. But the question is, how that danger can be avoided. I answer, that it is to be avoided by that spirit of humanity which has avoided it in other places---by doing justice to those whom we now oppress---by giving liberty for slavery, happiness for misery. But even supposing the danger of giving to be as great as the danger of withholding; there may be danger in moving, and danger in standing still—danger in proceeding, and danger in doing nothing: then, I ask the House—and ask it seriously—whether it be not better for us to incur peril for justice and humanity, for freedom, and for the sake of giving happiness to millions hitherto oppressed; or, whether it be better to incur peril for slavery, cruelty, and injustice—for the sake of destroying the happiness of those wretched beings, upon whom we have already showered every species of calamity?

I now come to tell gentlemen the course we mean to pursue: and I hope I shall not be deemed imprudent, if I throw off all disguise, and state frankly, and without reserve, the object at which we aim. The object at which we aim, is the extinction of slavery—nothing less than the extinction of slavery—in nothing less than the whole of the British dominions:—not, however, the rapid termination of that state—not the sudden emancipation of the negro—but such preparatory steps, such measures of precaution, as, by slow degrees, and in a course of years, first fitting and qualifying the slave for the enjoyment of freedom, shall gently conduct us to the annihilation of slavery. Nothing can more clearly show that we mean nothing rash, nothing rapid, nothing abrupt, nothing bearing any feature of violence, than this—that if I succeed to the fullest extent of my desires, confessedly sanguine, no man will be able to say, I even shall be unable to predict, that at such a time, or in such a year, slavery will be abolished. In point of fact, it will never be abolished: it will never be destroyed. It will subside; it will decline; it will expire; it will, as it were, burn itself down into its socket and go out. We are far from meaning to attempt to cut down slavery in the full maturity of its vigour. We rather shall leave it gently to decay—slowly, silently, almost imperceptibly, to die away, and to be forgotten.

Now, see the operation of our principle. We say—No more slaves shall be made; no more children shall be enslaved. At present, we have in our colonies, a certain body of slaves. This will be reduced (to use a military phrase) by all casualties; but it will not be replenished and re-inforced by any new recruits. At present, the number is about a million. Next year, that number will be somewhat abated. In ten years' time, it will be visibly diminished. In twenty or thirty years' time, all the young, the vigorous, and those rising into life, will be free; and the slaves will be those who have passed the meridian of their days—who are declining into age—the aged and the decrepid. Every year, then, will make a considerable change: every child born will increase the one body—every slave dying will reduce the other. A few years further, and you will find, only here and there, scattered over the face of the country, a remnant of slavery. A very few years further, he too will have followed his brethren, and slavery will be no more.

Now observe. This is not speculation. It is not a theory which has never been tried: it is not one of the "new lights," to use the expression of the hon. member for Taunton: but it has taken place, and in a country too with which that hon. member is very familiar. It may perhaps, nevertheless, be unknown to part of the House, that just in this way slavery has gone out and expired in New York. Thirty years ago, New York was what is called a slave-state; that is, a proportion of its labourers were slaves; and it was liable to those evils which slavery never fails to generate. The principle which I now advocate was applied; and—without rebellion, without convulsion, without a single riot, without any thing that deserves the name of inconvenience—slavery has gone out in the state of New York. The same thing has been done in Philadelphia, new Jersey, and several other of the United States. If any man asks me, with what effect this has been done; I answer, that there is not a person connected with that part of the world, who will not acknowledge, that much as it has contributed to the happiness of the blacks, it has in no less degree promoted the happiness, the moral improvement, and even the pecuniary prosperity of the whites. The fact is, every American from that part of the country is ready to acknowledge, that the worst of all curses has fled away, and left them. Here, then, the principle which I now recommend has begun, and concluded, its operation.

There are other parts of the world where the same principle is now in action, where slavery is gradually and quietly working itself out. And now, Sir, I am going to take a great liberty—just to put a question to each gentleman in the House. Does he know in what part of the British dominions this very principle is in action? The point in dispute, be it observed, is this. I say, that our principle operates without noise and tumult. My opponents say, that it will be attended with violence and convulsion. Then, I put it to my opponent, if he know where this noisy, turbulent, convulsive, principle is at work? If he do not know, my point is proved—its quiet, peaceable, silent, nature is proved.

It is in full operation at this moment, in Ceylon; and has been so since 1816. The activity of the governor, general Brownrigg, and of sir Alexander Johnstone, there introduced it; and, as yet, it has produced no ill effect of any kind. The same thing occurred at Bencoolen, under the administration of sir Stamford Raffles. The same, at Saint Helena. Now, this last does tell positively in my favour. Public curiosity has recently been excited in an extraordinary degree. Books, enough to fill a library, have been written, detailing the administration of sir Hudson Lowe. Acts the most slight —anecdotes the most trivial—expressions the most unmeaning, have been recorded with exact fidelity. Generations yet unborn shall know, that on such a day in July, sir Hudson Lowe pronounced that the weather was warm; and that on such a day of the following December, Bonaparte uttered a conjecture that it would rain in the course of the week. Nothing has escaped the researches of the historian—nothing has been overlooked by the hungry curiosity of the public---nothing---Yes! one thing only has never been noticed; namely, that sir Hudson Lowe gave the death-blow to slavery at Saint Helena.

The same principle, only upon a much larger scale, has been operating in South America. By a fundamental law of Columbia, every child born after the day when the Constitution was proclaimed, is, *ipso facto*, free. They did that at which I am now aiming; and they did more. They liberated the children, but they also took measures for emancipating the parent, They levied a legacy duty, varying from three to ten per cent. upon all disposable personal property: they set apart this fund for a special object; and they declared, that no power should exist in the state to alter the destination of a single shilling. The purchase to which that tax is devoted, is the purchase of negroes from personal slavery, and it is to continue till no slave remains in Columbia. If ever there was an opportunity of trying, whether the principle was productive of peace or of convulsion, that opportunity was now afforded. Columbia was overrun by hostile armies. The masters were often obliged to abandon their property. The black population amounted to nine hundred thousand persons. An hon. friend of mine, on a former occasion, contended, that the numbers were inconsiderable. He was mistaken. I have in my hand a letter from Mr. Ravenga, in which he states, that, in a population of three millions, the number of Blacks and Indians is nine hundred thousand. Now, of these a large number were suddenly emancipated. Bolivar gave liberty to seven hundred. Others acted in the same way. The law to which I have alluded, which liberates all the children, is rapidly liberating the adults. What has been the effect? Where the opportunities of insurrection have been so frequent and so tempting, what has been the effect? Mr. Ravenga authorizes me to say, that the effect has been, a degree of docility on the part of the Blacks, a degree of confidence and security on the part of the Whites, unknown in any preceding period of the history of Columbia.

Now for the application of this principle. What we contend for is this, that we should cut off the supply; that we should intercept the fountain by which slavery is fed; that all Negro children, born after a certain day, should be free. I have already shewn the safety and practicability of acting upon this principle. Will any man deny its propriety and justice? A Negro child is born to-day. What right on earth have we to say, that

that child shall be a slave? I want to know by what authority we act, under what warrant we proceed, when we say, that that child shall eat the bitter bread, and do the bitter labour of a bondsman, all the days of his life? I know the answer that will be given me: "The father is mine; the mother is mine; and therefore the child is mine." That is, you have made his parents eat the bitter bread, and do the bitter labour of slaves; and this crime, which you have committed against his parents, is to be your apology for the crime which you design to commit against him.

But, Sir, I hope that every man in this House, nay, that every man and woman in Great Britain, will seriously weigh this question. By what principle of justice, by what tenet of religion do we act, when we say to the planter, "There! a Black child is born to-day: take him: do what you like with him: make him a brute, if it so please you; a brute in his labour, a brute in ignorance; feed him like a brute, flog him like a brute!" I say, how are we authorised, on a child that has done no wrong, to pronounce that sentence, to inflict that curse?

It is a crime to go to Africa, and steal a man, and make him a slave. For two centuries this was no crime at all. It was most just and innocent commerce. My hon. friend (Mr. Wilberforce) instituted an inquiry into this innocent traffic, and it turned out to be a most intolerable enormity. It is a crime, then, by the laws of England, to make the full-grown African a slave. And how is it less a crime, to make a new-born Creole a slave? I say, it is as great, it is even a greater crime. The African has at least passed a considerable portion of his life in freedom: for twenty or thirty years, he has tasted the innumerable enjoyments which liberty confers. But, the child who is made a slave from his birth, knows nothing but servitude and misery. Then, as to guilt. Formerly we divided it with another party. The black factor made the man a slave; that was his share of the guilt. We kept him as a slave; that was our share. But, in the case of the child whom we enslave, the whole abomination is our own. We make him a slave, in the first place: we use him as a slave, in the second. It is a crime to murder a man: it is no less a crime to murder a child. It is a crime to rob a man: it is no less a crime to rob a child. It is a crime to enslave a man: and, is it no crime to enslave a child?

Now, Sir, let the House observe the moderation with which we proceed. We say, "Make no more slaves—desist from that iniquity—stop—abstain from an act, in itself as full of guilt, entailing in its consequences as much of misery, as any felony you can mention." We do not say, "Retrace your steps;" but "Stop." We do not say, "Make reparation for the wrong you have done;" but, "Do no more wrong; go no further." Slave-trading and slavery (for they are but two parts of the same act), are the greatest crime that any nation ever committed: and when that day comes, which shall disclose all secrets, and unveil all guilt, the broadest and blackest of all will be that, the first part of which is Slave-trading, and the last part slavery; and no nation under heaven has ever been so deeply tainted with both the one and the other as we have been. To a nation thus steeped in this species of iniquity, can less be said than this: "We do not ask that you should suffer punishment; we do not ask that you should undergo deep humiliation; we do not ask that you shall make reparation to those you have wronged; we do not even say, cease to enjoy those acts of criminality which you have begun; but, take the full benefit and fruition of past and present injustice; complete what you have commenced; screw from your slave all that his bones and his muscles will yield you: only stop there; and, when every slave now living shall have found repose in the grave, then let it be said, that the country is satiated with slavery, and has done with it for ever."

This, after all, is the main point. It secures, a distant indeed, but a certain extinction of slavery. And I give notice to his majesty's ministers—I give notice to the gentlemen connected with the West Indies, that if they concede every thing else, but withhold this, we shall not relax in our exertions. The public voice is with us; and I, for one, will never fail to call upon the public, loudly to express their opinion, till justice has so far prevailed as to pronounce that every child is entitled to liberty.

Now, for the existing slaves. Slaves they are. Slaves, I fear, they must too generally continue; but Slaves, under a description of servitude considerably mitigated.

I cannot say I deserve any credit for abstaining to liberate them at the present moment. I must confess, that if I conceived it were possible for the slaves to rise abruptly from their state of bondage, to the happier condition of freemen; if we could clothe them, not only with the rights and privileges, but with the virtuous restraints of social life; if I did not know that the same system which has reduced them to the condition of brutes, has brutalized their minds; if, in fact, I deemed them ripe for deliverance, my moderation, I confess it, would be but small. I should say, "The sooner *you* cease from doing injustice, and *they* from enduring it, the better." I should take no circuitous course: I should propose no tardy measures of amelioration: I should name no distant day of deliverance: but this night, at once and for ever, I should propose to strike off their chains; and I should not wait one moment, from a conception that the master has the least shadow of a title to the person of the slave. But, alas, Sir! the slave is not ripe for liberty. The bitterest reproach that can be uttered against the system of slavery, that it debases the man, that it enfeebles his powers, that it changes his character, that it expels all which is naturally good; this, its bitterest reproach, must be its protection. We are foiled by the very wickedness of the system. We are obliged to argue in a most vicious circle. We make the man worthless; and, because he is worthless, we retain him as a slave. We make him a brute, and then allege his brutality, the valid reason for withholding his rights.

Now, one word as to the right of his master. There are persons (not in this House, I trust) whose notions of justice are so confused and confounded by slavery, as to suppose that the planter has something like an honest title to the person of the slave. We have been so long accustomed to talk of "my slave," and "your slave," and what he will fetch if sold, that we are apt to imagine that he is really yours or mine, and that we have a substantial right to keep or sell him. Then, let us, just for a moment, fathom this right. Here is a certain valuable commodity; and here are two claimants for it—a white man, and a black man. Now, what is the commodity in dispute? The body of the black man. The white man says, "It is mine;" and the black man says, "It is mine." Now, the question is, if every man had his own, to whom would that black body belong? The claim of the black man to his own body, is just this—nature gave it him. He holds it by the grant of God. That compound of bone and muscles is his, by the most irreproachable of all titles—a title which admits not, what every other species of title admits—a suspicion of violence, or fraud, or irregularity. Will any man say, he came by his body in an illegal manner? Does any man suspect, that he played the knave, and purloined his limbs? I do not mean to say the negro is not a thief; but he must be a very subtle thief indeed, if he stole even so much as his own little finger.

At least, you will admit this—the Negro has a pretty good *primâ facie* claim to his own person. If any man thinks he has a better, the *onus probandi* is on him. Then we come to the claim of the white man. What is the foundation of your right? It shall be the best that can be conceived. You received him from your father. Very good! Your father bought him from a neighbouring planter. Very good! That planter bought him of a trader, at the Kingston slave-market: and that trader bought him of a man-merchant in Africa. So far you are quite safe! How did the man-merchant acquire him? *He stole him*—he kidnapped him! The very root of your claim is robbery, violence, inconceivable wickedness. If any thing on earth was ever proved by evidence, it was proved, before the slave-trade committee, that the method of obtaining slaves in Africa was robbery, man-stealing, and murder. Your pure title rests on these sacred foundations! If your slave came direct from Africa, your right to his person is absolutely nothing. But, your claim to the child born in Jamaica is (if I may use the expression) less still. The new-born infant has done—can have done—nothing to forfeit his right to freedom. And, to talk about rights, justice, equity, and law, as connected with slavery, is to talk downright nonsense. If we had no interest in the case, and were only speaking of the conduct of another nation, we should all use the same language; and we should speak of slavery, as we now speak of slave-trading: that is, we should call it rank, naked, flagrant, undisguised injustice.

But when I say, that the planter has no claim against the slave, I do not say, that he has no claim against the British nation. If slavery be an injustice, it is an injustice which has been licensed by British law.

But, whatever may be the claim of the planter against the British government, he can pretend to none to the person of a child because he happens to be born of negro parents.

I will now take the liberty of reading a short extract of a letter which, on the 11th of last April, I addressed to my hon. friend opposite, in order to put lord Bathurst, and his majesty's government, in full possession of our views and intentions:—

"The subject divides itself into two: the condition of the existing slaves, and the condition of their children. With regard to the former, I wish the following improvements:—

"1. That the slave should be attached to the island, and, under modifications, to the soil.

"2. That they cease to be chattels in the eye of the law.

"3. That their testimony may be received, *quantum valeat.*

"4. That when any one lays in his claim to the services of a negro, the *onus probandi* should rest on the claimant.

"5. That all obstructions to manumissions should be removed.

"6. That the provisions of the Spanish law (fixing by competent authority the value of the slave, and allowing him to purchase a day at a time,) should be introduced.

"7. That no governor, judge, or attorney-general should be a slave-owner.

"8. That an effectual provision shall be made for the religious instruction of the slave.

"9. That marriage should be enforced and sanctioned.

"10. That the Sunday should be devoted by the slave to repose and religious instruction; and that other time should be allotted for the cultivation of his provision-grounds.

"11. That some (but what I cannot say) measures should be taken, to restrain the authority of the master in punishing his untried slave, and that some substitute should be found for the driving system.

"These are the proposed qualifications of the existing slavery. But I am far more anxiously bent upon the extinction of slavery altogether, by rendering all the negro children, born after a certain day, free. For them it will be necessary to provide education. God grant, that his majesty's ministers may be disposed to accomplish these objects, or to permit others to accomplish them!"

For all the blood spilt in African wars fomented by English capital—for civil war which we contrived to render interminable—for all the villages set in flames by the contending parties—for all the horrors and the terrors of these poor creatures, roused from their rest by the yells of the man-hunter whom we sent—for civilization excluded—for the gentle arts which embellish life excluded—for honest and harmless commerce excluded—for Christianity, and all that it comprehends, expelled for two centuries from Africa—for the tens and tens of thousands of men murdered in these midnight marauds—for the tens and tens of thousands suffocated in the holds of our slave-ships—for the tens and tens of thousands of emaciated beings, cast ashore in the West Indies, emaciated beings, "refuse men" (for such was the mercantile phrase) lingering to a speedy death—for the tens and tens of thousands still more unhappy who, surviving, lived on to perpetual slavery, to the whip of the task-master, to ignorance, to crime, to heathen darkness—for all these, we owe large and liberal atonement. And I do thank God, we still have it in our power to make some compensation. We have it in our power to sweeten a little the bitterness of captivity—to give the slaves of the West Indies something to render life more endurable—to give them something like justice and protection—to interpose a jury between the negro and the brutality of his master's servant—to declare that the slave shall not be torn from the cottage he has built, from the children he has reared, from the female whom he loves—above all, for that is effectual compensation, we may give him the truths of the Christian religion, which, as yet, we have withheld.

For his children, there is a wider range of recompence. We may strip them of every vestige of servitude; and, by taking upon ourselves, for a season, the whole burthen of their maintenance, education, and religious instruction, we may raise them into a happy, contented, enlightened, free peasantry. I conclude, as I concluded my letter to lord Bathurst—God grant, that his majesty's ministers may be disposed to accomplish these objects, or to permit others to accomplish them!—I move,

"That the State of Slavery is repugnant to the principles of the British constitution, and of the Christian religion;

and that it ought to be gradually abolished throughout the British colonies, with as much expedition as may be found consistent with a due regard to the well-being of the parties concerned."

Mr. Secretary *Canning* said:—Sir, the appeal to his majesty's ministers with which the hon. gentleman concluded his speech, makes me feel it my duty to address myself to the House at this early period of the debate, for the purpose of stating, without reserve, the opinions entertained by myself and my colleagues with respect to this most important, and I must say, at the same time (notwithstanding what has fallen from the hon. gentleman), this most fearful question.—I never in my life proceeded to the discussion of any question under a stronger impression of its manifold difficulties: not indeed in reference to the principles on which my opinions are grounded, nor with respect to the practical conclusion to which I may think it expedient to come; but on account of the dangers, which, even after all that the hon. gentleman has said to the contrary, appear to me to attend a discussion, in which one rash word, perhaps even one too ardent expression, might raise a flame not easily to be extinguished.

I mention these circumstances, Sir, not for the purpose of imputing any blame to the hon. gentleman, or to those friends in conjunction with whom he has brought forward the resolution in your hands, nor for that of discouraging fair and free deliberation; but I take the liberty of throwing out a caution to those who, in a more advanced stage of the discussion, and when conflicting opinions may have produced a warmth which I do not feel, might be induced to colour more deeply the pictures which the hon. gentleman himself has sketched with no light hand; and who might thus excite feelings which it is not necessary to awaken for the accomplishment of any practical good, but which, if awakened, might either impede the attainment of that good, or expose it to gratuitous hazard.

And here the hon. gentleman must allow me to ask. What had the latter part of his speech to do with his present purpose? Why did he think it expedient to recur to the former delinquencies of this country, which, if capable of expiation, have been expiated? Why did he go back to a state of things in the West Indies, to which, so far as they could be remedied, remedy has been applied? Why did he go out of his way to recall the horrors and cruelties connected with the now abolished slave trade, which were at former times brought under the notice of parliament? Why, when he was stirring a question totally new (and I mention that character of the question, not as matter of blame but as matter of fact)—why did he mix it up with that other odious question, often, indeed, discussed, but long ago decided, with which, during an agitation of twenty years, it was never before placed in *juxta*-position, but for the purpose of being contrasted with and separated from it? In all former discussions, in all former votes against the slave trade, it cannot surely be forgotten, that the ulterior purpose of emancipation was studiously disclaimed. I have myself frequently joined in that disclaimer on former occasions. In doing so, I certainly did not mean to advance so untenable a proposition as that it was intended to purchase the abolition of the slave trade by an indefinite continuance of slavery. Undoubtedly that was not my meaning; but what I at least did mean—what in all fairness any man who took the same distinction must be held to have meant—was, that the two questions should be kept separate, and argued on their separate grounds; that the odium of that which we were labouring to abolish should not be brought to bear with increased intensity on that of which we were compelled to allow the continuance. Slavery, not willingly, but necessarily, was allowed to continue. I do not say that it is therefore to continue indefinitely; I speak not of it as a system to be carefully preserved and cherished, but as one to be dealt with according to its own nature, and with reference to its inherent peculiarities. We must be considered as having tacitly, if not expressly, taken the engagement, not, on every subsequent discussion, to look back to atrocities which have ceased, not to revive animosities which have been extinguished, and to throw in the teeth of those whose interests are at hazard, cruelties with which they in fact had no concern. After such an implied pledge, it is somewhat hard in the hon. gentleman to revert to those past-gone topics, instead of confining himself to facts and arguments which properly belong to the motion which he has introduced.

I will not follow the hon. gentleman through the various matters of this kind which he has brought to his aid; but I will here take the liberty to dismiss the consideration of the slave trade as of a thing forgotten and gone by: and I will entreat the House to look at the present situation of the West Indies, not as at a population accumulated by a succession of crimes such as those which the hon. gentleman has detailed, but simply as it is.

The hon. gentleman has treated this subject rather with powerful declamation than with sober statement: for I must beg leave to consider as a figure of eloquence, rather than as a practical argument, the intimation that we must deal with this question, not as a matter of justice and judgment, but of impulse and feeling. That is not a ground on which parliament can be called upon to act. The manner in which the black population of the West Indies has been collected, may indeed be the subject of reflection to the historian, or discussion to the moralist: but, in calling upon the legislature to adopt a measure of the greatest importance, and of the utmost difficulty, the hon. gentleman addresses himself, not to the prudence, but to the feeling of the House, I confess it seems to me that he pursues the course least likely to lead to a satisfactory result.

Looking, then, at the present condition of the West Indies, I find there a numerous black population, with a comparatively small proportion of whites. The question to be decided is, how civil rights, moral improvement, and general happiness are to be communicated to this overpowering multitude of slaves, with safety to the lives and security to the interests of the white population, our fellow-subjects and fellow-citizens. Is it possible that there can be a difference of opinion upon this question? Is it possible that those most nearly concerned in the present state of property in the West Indies, and those who contemplate the great subject with the eye of the philosopher and the moralist, should look at it in any other than one point of view? Is it possible for a member of parliament, still more for a member of the government, to say that he does not wish, so far as is consistent with other great considerations necessarily involved, to impart every improvement which may tend to raise in the scale of being the unfortunate creatures now in a state of servitude and ignorance? Undoubtedly, sacrifices ought to be made for the attainment of so great a good; but would I, on this account, strike at the root of the system—a system the growth of ages—and, unhesitatingly and rashly level it at a blow? Are we not all aware that there are knots which cannot be suddenly disentangled, and must not be cut—difficulties which, if solved at all, must be solved by patient consideration and impartial attention, in order that we may not do the most flagrant injustice by aiming at justice itself?

The hon. gentleman begins his resolution with a recital which I confess greatly embarrasses me: he says, that "the state of slavery is repugnant to the principles of the British constitution, and of the Christian religion." God forbid that he who ventures to object to this statement, should therefore be held to assert a contradiction to it! I do not say that the state of slavery is consonant to the principles of the British constitution; still less do I say that the state of slavery is consonant to the principles of the Christian religion. But though I do not advance these propositions myself, nevertheless, I must say, that in my opinion the propositions of the hon. gentleman are not practically true. If the hon. gentleman means that the British constitution does not admit of slavery in that part of the British dominions where the constitution is in full play, undoubtedly his statement is true; but it makes nothing for his object. If, however, the hon. member is to be understood to maintain that the British constitution has not tolerated for years, nay more, for centuries, in the colonies, the existence of slavery, a state of society unknown in the mother country—that is a position which is altogether without foundation, and positively, and practically untrue. In my opinion, when a proposition is submitted to this House for the purpose of inducing the House to act upon it, care should be taken not to confound, as I think is done in this resolution, what is morally true with what is historically false. Undoubtedly, the spirit of the British constitution is, in its principle, hostile to any modification of slavery. But, as undoubtedly, the British parliament has for ages tolerated, sanctioned, protected, and even encouraged a system of colonial establishment of which it well knew slavery to be the foundation.

In the same way, God forbid that I should contend that the Christian religion is favourable to slavery. But I confess I feel a strong objection to the introduction of the name of Christianity, as it were bodily, into any parliamentary question. Religion ought to control the acts and to regulate the consciences of governments, as well as of individuals; but when it is put forward to serve a political purpose, however laudable, it is done, I think, after the example of ill times, and I cannot but remember the ill objects to which in those times such a practice was applied. Assuredly, no Christian will deny that the spirit of the Christian religion is hostile to slavery, as it is to every abuse and misuse of power: it is hostile to all deviations from rectitude, morality, and justice; but if it be meant that in the Christian religion there is a special denunciation against slavery, that slavery and Christianity cannot exist together—I think the hon. gentleman himself must admit that the proposition is historically false; and again I must say, that I cannot consent to the confounding, for a political purpose, what is morally true with what is historically false. One peculiar characteristic of the Christian dispensation, if I must venture in this place upon such a theme, is, that it has accommodated itself to all states of society, rather than that it has selected any particular state of society for the peculiar exercise of its influence. If it has added lustre to the sceptre of the sovereign, it has equally been the consolation of the slave. It applies to all ranks of life, to all conditions of men; and the sufferings of this world, even to those upon whom they press most heavily, are rendered comparatively indifferent by the prospect of compensation in the world of which Christianity affords the assurance. True it certainly is, that Christianity generally tends to elevate, not to degrade, the character of man; but it is not true, in the specific sense conveyed in the hon. gentleman's resolution; it is not true, that there is that in the Christian religion which makes it impossible that it should co-exist with slavery in the world. Slavery has been known in all times, and under all systems of religion, whether true or false. *Non meus hic sermo:* I speak but what others have written on this point; and I beg leave to read to the House a passage from Dr. Paley, which is directly applicable to the subject that we are discussing:

"Slavery was a part of the civil constitution of most countries when Christianity appeared; yet no passage is to be found in the Christian scriptures by which it is condemned and prohibited. This is true; for Christianity, soliciting admission into all nations of the world, abstained, as behoved it, from intermeddling with the civil institutions of any. But does it follow, from the silence of scripture concerning them, that all the civil institutions which then prevailed were right; or that the bad should not be exchanged for better! Besides this, the discharging of all slaves from all obligation to obey their masters, which is the consequence of pronouncing slavery to be unlawful, would have no better effect than to let loose one-half of mankind upon the other. Slaves would have been tempted to embrace a religion which asserted their right to freedom; masters would hardly have been persuaded to consent to claims founded upon such authority; the most calamitous of all consequences, a *bellum servile*, might probably have ensued, to the reproach, if not the extinction, of the Christian name. The truth is, the emancipation of slaves should be gradual, and be carried on by the provisions of law, and under the protection of civil government. Christianity can only operate as an alterative. By the mild diffusion of its light and influence, the minds of men are insensibly prepared to perceive and correct the enormities which folly, or wickedness, or accident, have introduced into their public establishments. In this way the Greek and Roman slavery, and since these the feudal tyranny, had declined before it. And we trust that, as the knowledge and authority of the same religion advance in the world, they will abolish what remains of this odious institution."

The hon. gentleman cannot wish more than I do, that under this gradual operation, under this widening diffusion of light and liberality, the spirit of the Christian religion may effect all the objects he has at heart. But it seems to me that it is not, for the practical attainment of his objects, desirable that that which may be the influencing spirit should be put forward as the active agent. When Christianity was introduced into the world, it took its root amidst the galling slavery of the Roman empire; more galling in many respects (though not precisely of the same character) than that of which the hon. gentleman, in common I may say with every friend of humanity, complains. Slavery at that period gave to the master the power of life and death over his bondsman: this is undeniable, known to every body: "Ita servus homo est!" are the words put by Juvenal into the mouth of the fine lady who calls upon her husband to crucify his slave. If the evils of this dreadful system nevertheless gradually vanished before the gentle but certain influence of Christianity, and if the great Author of the system trusted rather to this gradual operation of the principle than to any immediate or direct precept, I think parliament would do more wisely rather to rely upon the like operation of the same principle, than to put forward the authority of Christianity, in at least a questionable shape. The name of Christianity ought not to be thus used unless we are prepared to act in a much more summary manner than the hon. gentleman himself proposes. If the existence of slavery be repugnant to the principles of the British constitution and of the Christian religion, how can the hon. gentleman himself consent to pause even for an instant, or to allow any considerations of prudence to intervene between him and his object? How can he propose to divide slaves into two classes; one of which is to be made free directly, while he leaves the other to the gradual extinction of their state of suffering? But if, as I contend, the British constitution does not, in its necessary operation, go to extinguish slavery in every colony, it is evident that the hon. gentleman's proposition is not to be understood in the precise sense which the hon. gentleman gives to it; and if the Christian religion does not require the instant and unqualified abolition of slavery, it is evident, I apprehend, that the hon. member has mis-stated in his resolution the principle upon which he himself is satisfied to act. But while I contend against the literal sense, and too positive language, of the hon. gentleman's resolutions; and while I declare my unwillingness to adopt them as the basis of our proceedings; let me not be misunderstood as quarrelling with their intention. I admit as fully as the hon. gentleman himself, that the spirit both of the British constitution and of the Christian religion is in favour of a gradual extermination of this unquestioned evil: and I am ready to proceed with the hon. gentleman to all reasonable and practicable measures for that purpose.

On these principles I feel disposed to agree in much that the hon. gentleman has said. To many of his measures of detail I have not the slightest objection; without, however, admitting the solidity of all his ingenious illustrations, or subscribing to the correctness of all his arguments. I think the House will be of my opinion, that at this time of day we must consider property as the creature of law; and that, when law has sanctioned any particular species of property, we cannot legislate in this House as if we were legislating for a new world, the surface of which was totally clear from the obstruction of antecedent claims and obligations. If the hon. gentleman asks me, on the other hand, whether I maintain the inviolability of property so far as to affirm the proposition, that the children of slaves must continue to be slaves for ever—I answer frankly, No. If again he asks me how I reconcile my notions of reverence for the sacredness of property with the degree of authority I am prepared to exercise for the attainment of my object; I answer with equal frankness, in accomplishing a great national object, in doing an act of national justice, I do not think it right to do it at the exclusive expense of any one class of the community. I am disposed to go gradually to work, in order to diminish both the danger to be risked and the burden to be incurred. My opinion is also, and I am prepared to state it (the hon. gentleman having made his appeal to the government on this question some weeks ago) as the opinion of my colleagues as well as my own —that in order that the object which we have all in view may be undertaken safely and effectually, it is better that it should be left in the hands of the executive government.

With that view I have taken the liberty of preparing certain resolutions, which I shall propose to substitute for those of the hon. gentleman. Between the two sets of resolutions the substantial difference, it will be seen, is not very essential; but from the difference of responsibility between the hon. gentleman and myself, I must of necessity lay down my principles with greater caution than he has done; and proceed more coolly, and considerately, so as to avoid the liability to misrepresentation. Not that I wish to shrink from particulars, so far as it may be expedient to enter into them.

I may say, then, that there are two or three points referred to by the hon. gentleman, to which I cannot refuse my concurrence. For instance, he asks if the present mode of working—that which is described by the term, driving—the slaves; by means of a cart-whip in the hand of one who follows them, ought to be allowed? I reply, certainly not. But I go further; I tell the honourable gentleman, that in raising any class of persons from a servile to a civil condition, one of the first principles of improvement is in the observance paid to the difference of sexes. I would therefore abolish, with respect to females, the use of the whip, not only as a stimulant to labour in the field; I would abolish it altogether as an instrument of punishment—thus saving the weaker sex from indecency and degradation. I should further be inclined to concur with the hon. gentleman as to the insufficiency of the time allowed to the negroes for religious and moral instruction, so long as the cultivation of his provision-ground and his marketting occupy the greater part of the Sabbath. In this point I am anxious to introduce improvement into the present system.

These are points on which I have no hesitation in agreeing with the hon. gentleman; but there are some others requiring more mature consideration in practice, although, in principle, I feel bound to say that I agree with him. I agree with him in thinking that what is now considered, by custom, and in point of fact, the property of the negro, ought to be secured to him by law. I agree with him in thinking that it would be beneficial if the liberty of bequest were assured to him: perhaps it might be made conditional upon marriage. I agree with him in thinking that it may perhaps be desirable to do something with regard to the admitting the evidence of negroes; but this I hold to be a much more difficult question, and one requiring more thorough deliberation than I have yet had time to give to it. It is a point of such extreme delicacy, and demands so much local and practical knowledge, that I hardly feel justified in pronouncing at this moment any decided opinion upon it. Thus far I concur, that it well merits favourable and patient investigation; and for myself, and those who act with me, I can say that we should commence that investigation with a leaning to the view of the subject taken by the hon. gentleman. More at present I will not say.

I agree further with the hon: gentleman in thinking, that (though great difficulties may be experienced, not from the moral but from the legal part of the question) the process of the writ of *venditioni exponas*, by which the slaves are sold separately from the estates, ought, if possible, to be abolished.

I have mentioned these particulars as those which have most immediately attracted the attention of his majesty's servants. I can assure the hon. gentleman and the House, that they have looked at this subject with a sincere desire to render all possible assistance to the undertaking of the hon. gentleman, and to co-operate in every practicable measure for ameliorating the condition of the negroes.

I should ill discharge my duty this day, after the warning of the last few weeks, during which this great subject has been in discussion, if I were not to say, that, upon most of the particulars which I have mentioned, if not upon all, there is every disposition among those who may be considered as representing the colonial interests in this House and in this country, to give them a fair, liberal, and candid consideration.

The immediate question before the House may therefore be narrowed to this point—whether it is better to enter upon this question in a temper of mind unembittered by the retrospect of past evils and atrocities, and with a chance of carrying with us a degree of consent on the part of those most interested and most exposed to the hazard of injury from any change; or, at the risk of angry discussions, which, however innoxious in this House, yet, if echoed in other places, might be attended with the most frightful consequences, to adopt at once the propositions of the hon. gentleman. The question is, whether, upon the declaration of principles now made to the House, the hon. gentleman and his friends will be contented with the resolutions which I shall have the honour to propose, or will press his motion to a division, at all the hazards which I would rather leave to be imagined than describe.

There is, however, one point in the hon. gentleman's statement upon which I certainly entertain a difference of opinion: I mean, the proposal of fixing a period at which the children of slaves shall be free. I doubt—not from any peculiar knowledge that I have of the subject, but upon the general principles of human nature—whether the measure recommended by the hon. gentleman would produce the degree of satisfaction which he anticipates, and whether it might not produce feelings of an opposite nature. I doubt whether in its operation it would not prove at once the least efficient and the most hazardous mode of attaining his own object. But I throw out these observations with the same frankness and candour with which I have expressed myself in approval of those points of the hon. gentleman's propositions in which I have had the pleasure to concur. I desire not to be bound by these observations any more than I feel myself bound to carry into effect, at all risks, and at all hazards, those points upon which I have given a favourable opinion. I declare openly and sincerely my present impressions, formed after the best deliberation that there has been time to give to the consideration of the subject. I trust and believe that I have not spoken positively upon any thing upon which there is a probability of my having hereafter to retract what I have said. I speak doubtfully on some points, even where the bent of my opinion is very strong: but the one thing I am most anxious to avoid, is the declaration of any pledge of an abstract nature; the laying down any principle, the construction of which is to be left to those whose feelings and prejudices and passions must naturally be awake to these discussions, and who, when they learn by a declaration of this House, that "the continuance of slavery, and the principles of the Christian religion, are incompatible," might imagine they saw, in such a declaration, what, I say, in abstract reasoning I have, I think, shown they would be fairly entitled to see in it —their own immediate and unqualified emancipation. Lay down such principles I say, and those persons would have a right to draw that conclusion; and when the House had once made such a declaration, the qualification would come too late.

I am therefore peculiarly desirous that the qualification should be embodied in the same vote which affirms the principle, and that nothing should be left to inference and construction: that even the hopes held out for the future should be qualified with the doubts, with the delays, and with the difficulties to be surmounted before they can possibly be realized.

I will now, with the leave of the House, read the Resolutions which I propose to submit to the House for its consideration.

1st. "That it is expedient to adopt effectual and decisive measures for ameliorating the condition of the slave population in his majesty's colonies.

2nd. "That, through a determined and persevering, but at the same time judicious and temperate, enforcement of such measures, this House looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his majesty's subjects.

3rd. "That this House is anxious for the accomplishment of this purpose, at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property."

If the House should be inclined to adopt these resolutions, I shall then follow them up with moving,

4th. "That the said resolutions be laid before his majesty by such members of this House as are of his majesty's most honourable privy council."

There now remains but one point, which, after having so fully expressed my sentiments to the House, I am peculiarly anxious to impress upon its consideration: I mean the mode of execution—the manner in which the executive government would have to act in respect of these resolutions, in the event of their adoption. The House is aware, that over certain of the colonies in the West-Indies, the Crown exercises immediate power, without the intervention of any colonial legislature. In their case, the agency of the Crown, of course, will be more free and unfettered than in colonies having their own separate government. At the same time, I must declare, that we have a right to expect from the colonial legislatures a full and fair co-operation. And, being as much averse by habit, as I am at this moment precluded by duty, from mooting imaginary points, and looking to the solution of extreme though not impossible questions, I must add, that any resistance which might be manifested to the express and declared wishes of parliament, any resistance, I mean, which should partake, not of reason, but of contumacy, would create a case (a case, however, which I sincerely trust will never occur) upon which his majesty's government would not hesitate to come down to parliament for counsel.

I will not prolong a discussion (which it has been my object to bring to a close) by any general reflections further than this, that giving every credit as I do to the motives which have actuated the hon. gentleman, I am sure he will feel that it is perfectly consistent with a complete sympathy with his moral feelings, and consistent equally with my duty, that I should look at this subject more practically, more cautiously, and more dispassionately, and (if the hon. gentleman will permit me to say so much) more prudently than the hon. gentleman; whose warmth however, though I must not imitate, I do not mean harshly to blame.

And further, I would assure those whose interests are involved in this great question, that whatever may be the result of the present discussion, I and my colleagues are not more anxious, on the one hand, to redeem the character of the country, so far as it may have suffered by the state of slavery in the colonies, than we think ourselves bound, on the other, to guard and protect the just interests of those who, by no fault of their own, by inheritance, by accident, by the encouragement of repeated acts of the legislature, find their property vested in a concern exposed to innumerable hazards and difficulties, which do not belong to property of another character; such as, if they had their option (as their ancestors had), they would doubtless, in most cases, have preferred. If they have stood these hazards, if they have encountered these difficulties—and have to stand and encounter them still—we may not be able to secure them against the consequences of such a state of things; but at least we have no right to aggravate the hazards or the difficulties which we cannot relieve.

The original resolution and also the amendment was then read by the Speaker. After which,

Mr. *Wilberforce* rose and said:—Before, Sir, I enter into any discussion of the question before the House, I think it necessary to say a few words in vindication of the line pursued by my hon. friend near me (Mr. F. Buxton) on the present occasion; more particularly with reference to the proposition with which my hon. friend commenced his speech. My hon. friend addressed himself to a British parliament, and fully, fairly, and candidly, told the House what were his real intentions in submitting his motion to its consideration—a gradual but total extinction of slavery in the colonies of this country. With powerful eloquence and the justest reasoning, my hon. friend appealed to the understandings of hon. members, and called to their recollection the sound and wholesome principles of the British constitution — principles which declared to be objectionable, in the highest degree, the very existence of slavery. But it is rather my wish to avoid any useless repetition of points on which there is no dispute; and to adopt the opinions and principles which have already been fully acknowledged, and indeed justly respected.

It is with no little pleasure that I heard my right hon. friend accede to several of the propositions made by my hon. friend near me. I refer particularly to the abolition of the system of female punishment; the reservation of certain days to the negroes for labouring on their own account; the discontinuance of the practice of working on Sundays; the abolition of the Sunday markets; the abolition of the driving system, or of urging the field slaves to their labour by the whip; and, above all, the introduction and universal establishment of a system of religious instruction, and of the moral reformation of the slaves, of which marriage was of course to be one of the principal particulars. But I wish my right hon. friend to consider, what I think he does not seem sufficiently to bear in mind, in relation to what has been often alleged of the mischiefs likely to arise from the discussions of this question, that whatever may be the dangers to be apprehended from such discussions, there are yet no dangers so great, or so formidable, as those which must arise from a continuance of the present West-Indian system. And therefore I must assure my right hon. friend, that in directing a superintending and vigilant eye to the state of things in the West Indies, and by endeavouring to apply remedies to the existing grievances, with a fair regard to the interests and well-being of all the parties concerned, he is doing no more than discharging duties powerfully incumbent on him as a member of the British legislature, and still more as a minister of the Crown, and a watchful guardian of the general interests of this country.

And now, Sir, let me say a word or two on my hon. friend's having laid the grounds of his resolution in the principles of the Chrsitian religion. What could be more reasonable, what more appropriate, in the senate of a nation which calls itself Christian and acknowledges the Divine authority of the holy

Scriptures?—Again, let me remind my right hon. friend and the House, that it was necessary for my hon. friend boldly to assert and maintain the rights and privileges of the black population in the West Indies. At the same time, I am thoroughly convinced, that there is no man more ready than my hon. friend fairly to consider the situation in which many of the West-Indian proprietors would be placed in the event of the execution of his plans, the effect of which, undoubtedly, would be gradually to extinguish slavery in the West Indies. I entirely agree with my right hon. friend, in thinking, that nothing would be more unfair than to consider those whose interests are involved in this question, in any invidious point of view: but, surely, on the other hand, if we are really desirous of putting an end to slavery, it is absolutely necessary boldly to state that it is a great and intolerable grievance.

With respect to the dangers which may arise from a discussion of these points, I can only state, that my right hon. friend must enter into an investigation of the requisite measures for putting an end to the evils acknowledged to exist, with a recollection of the infinite danger which must attend a continuance of the present system of slavery. Many reasons present themselves to my mind why it is far safer to get rid of these evils altogether, than to modify them. But I must remind the House, that, as to the discussion being so dangerous as has been frequently alleged by those who oppose any alteration in the present system, the notion has been in fact contradicted and exploded by the West-Indians themselves, who from time to time have been in the habit of inserting in their colonial newspapers articles which might be supposed to be of the most dangerous tendency, calculated to inflame the minds of the black population, and even to tempt them to insurrection. Now, Sir, this fact—and it is impossible to dispute it—is a great encouragement to us in the present discussion: for the House must be now aware, that whatever apprehensions concerning the effects on the minds of the negro slaves, of discussions in this House, might be deemed reasonable by individuals resident in this country, yet that these alarms have not been felt in the slightest degree by those resident on the spot where danger only could arise, and where the probabilities of it might be most justly estimated. There are, doubtless, however, dangers great and serious, and even formidable, to be encountered; but they are such as arise out of the state and circumstances of our West-Indian colonies, in relation both to their insular and their continental neighbours; and on the whole, they are such as would be lessened rather than augmented by the reforms in the contemplation of my hon. friend.

I cannot forbear alluding to another point, which I confess has made a strong impression upon my mind. We have had laid before us returns of the slave population of the West-India Islands. I do not know whether my right hon. friend is aware of this important circumstance, that there is every reason to believe that, in all the West-India islands, the population has been for some years past, and is at this very time, decreasing. I beg the very particular attention of my right hon. friend to this fact; and let the House also attend to it, because it will be a sort of specimen of the difficulties we may in future have to encounter. It is an established and well-known fact, that in our West-India islands, the slaves, though in a climate similar to their own, instead of keeping up their numbers, have for a long series of years been gradually decreasing; and though the decrease has been gradually lessening, yet these returns clearly show that it still continues. This decrease is the more extraordinary, because the Negro race is found to have greatly increased its numbers in every other country, even in the, to them, uncongenial climate of North America. The causes to which the abolitionists chiefly referred this deviation from the ordinary course of nature, this exclusion from the benefit of the fundamental law of nature established by the Almighty on the first formation of man, "Increase and multiply," were over-working, under-feeding, and licentiousness.

The West Indians themselves, though acknowledging that the general licentiousness operated powerfully in producing this effect, ascribed the decrease of the black population chiefly to the numerical disproportion of the sexes; the number of the women, they alleged, being greatly inferior to that of the men. We acknowledged, indeed, that, of the original importations, the greater proportion of almost every one consisted of men. But we maintained, that in almost all our islands, more especially in the two greatest, Jamaica, and still more Barbadoes, as the numbers born of the two sexes would only show the ordinary small deviation from a complete equality, the inequality arising from the importations must long ago have ceased to exist. The West Indians, however, went on contending for a large inferiority of number in the women, assigning in a great degree to this the strange phenomenon, that the slaves diminished, and thereby negativing the operation of those circumstances in their treatment to which we ascribed the diminution. At length, however, the establishment of a registry gave us a nearer approximation than ever before to the real numbers of the slaves; and then what, Sir, was proved to be the real fact? That in every one of the West-India islands, so far was it from being true that it was this alleged disproportion which prevented the increase of the negroes, there has been in truth no such disproportion existing; and that in fact in all our islands, except the lately-settled island Trinidad, the women are in greater numbers than the men. As the whole population is made up of that of the different estates and families of domestic slaves, and as every owner had an accurate account of the number of his own, it is very surprising, indeed, quite unaccountable, how the hypothesis, universally prevalent and enforced on us, could be believed; and yet such was the account invariably given to us. Let this, then, be a proof that we ought not to trust implicitly to the accuracy of the statements received from the West Indies. But the important inference to be drawn from the decrease of the slaves, even under the circumstances of an equality of the sexes, is, that we must find the means of encouraging the natural increase of the negroes, or that the planters will lie under the strongest temptations to resort once more to the old source of the slave trade, carrying it on illicitly. Something must be done, to effect an entire reformation in the system, not merely with a view to justice and humanity, but also to sound policy: for however this country may be determined not to permit the recommencement of such a traffic, the temptation to renew it, which the deficiency of slaves would hold out, would be too much for human nature, at least for human nature in the West Indies. The registry bills that have been enacted by the different colonial assemblies, are altogether inadequate to their effect. I freely confess that I cannot depend upon them for producing the desired effect of preventing the illicit importation of negroes; and, let any one who may have any doubt on this head, remember what was formerly stated by the colonial assemblies themselves, that if the abolition law should be passed, it would be practically impossible to enforce it.

There are only two other matters on which I am anxious to say a few words. First, I entirely concur with my right hon. friend in thinking, that it is highly to be wished that the conversion of the slaves into a free peasantry should rather be the gradual effect of the operation of moral causes, than that it should be suddenly effected by an act of parliament. But he will allow me also to tell him, and to tell the House, that when we consider the claims of these unhappy people, and the time that has been already lost in accomplishing this great and high duty, we ought not to prolong their slavery an hour longer than is absolutely necessary with a view to their own benefit, as well as to the interests of other parties. I believe most sincerely that any reform which should convert the slaves into a free peasantry would be no less advantageous to the planters themselves than to those who are at present in bondage to them. Still it is deserving of serious consideration, whether it would be either wise, or just, or prudent, to leave to time the emancipation of the slaves, allowing it to become general merely by the operation of principles such as have been alluded to; or whether it would not be fit to adopt something like the plan recommended about thirty years ago by the late lord Melville, and which, if carried into effect, would have left at this time scarcely a single slave in the whole of our West-Indian possessions. I cannot reflect that this plan was not carried into effect, without deep concern.

But there is another point, of extreme importance, on which practically all parties ought to agree. It is, whether the improving of the condition of the negroes ought to be the work of the British parliament, or whether it ought to be left to the colonial legislatures? For myself, I frankly confess, that if the colonial legislatures would make the reform, I should greatly prefer it. But how is it possible for me to expect that they will do it? Have we not large experience on this head; and does not all our experience show, that they will not do their duty? Do we not remember, that, from the first moment when any proceedings were commenced for the amelioration of the condition of the slaves, the colonial legislatures invariably opposed every endeavour of the kind? There were no consequences so fatal, no injuries so great, that were not in the first instance predicted as certain to be the effect of any interference, even to lessen the horrors of the Middle Passage; by which, it may be now necessary to state, was meant the conveyance of the wretched victims from Africa to the West Indies. Let me also call to the recollection of the House, that such was the case, not only when propositions of the kind came from persons who might be looked upon as obnoxious to the West-Indians, or likely to be suspected by them, but when they were brought forward by individuals most respectable from their rank and fortune, and character, and who had long been regarded by the planters with favour, as decidedly partial to their cause. In 1797, an hon. gentleman now sitting opposite to me (Mr. C. Ellis), who had shewed a disinterested spirit of benevolenee towards the negroes on his own properties, wished to prevail on the colonist to adopt some general reforms. The personal efforts he had used, and the sacrifices he had made, were a testimony of his unquestionable sincerity. He was desirous of introducing a reform, that, if carried into execution, he hoped might have had the happiest results. But he wished his reform to be patronised and carried into effect by the legislatures of the West Indies. The consequence was, that all his exertions were ineffectual; and that though his application was enforced by the most powerful of all pleas, viz. that, if they did not reform the system themselves, the British parliament would infallibly pass the much-dreaded abolition law, yet even with this enforcement, the colonial assemblies would do nothing.

Again; it is not to be forgotten, that Mr. Bryan Edwards, the historian of the West Indies, and one of their chief champions, himself suggested the reform of one of the greatest practical grievances of the West Indies, viz. that of the slaves being liable to be seized, and separately and even singly sold for the payment of their master's debts; and also the abolition of the Sunday market. He stated, that it was only necessary for the former of these objects, to repeal a particular law of George 2nd. We yielded most gladly to what he recommended. The law that stood in the way of this improvement was repealed accordingly. But to this day not one of the thirteen colonial assemblies has verified Mr. Edwards's prediction, that, so soon as they should be able, they would redress this crying grievance. Nothing whatever has been done, and the evil still remains in all its force. Will my right hon. friend then say, that he thinks such reforms as are necessary will be fairly and practically attempted by the assemblies of the islands? Can he think it possible that they will? I know my right hon. friend's talents and principles so well, that I am willing to believe he will not suffer himself to be imposed upon in this respect. But let him beware; for if he does rely on them, he will assuredly be disappointed. And, let it never be forgotten, as sir Samuel Romilly used to exclaim, these poor negroes, destitute, miserable, unfriended, degraded as they are, are nevertheless his majesty's liege subjects, and are entitled to as much—aye, let me remind my right hon. friend, by the principles of our holy religion, to more—of the protection of the British constitution, because they are deserted, destitute, and degraded. On this very account, they have a peculiar claim to our sympathy and protection. The great and the powerful, the noble and the affluent ought to feel it their special duty to extend their aid to the weak, the helpless, and the oppressed. The object, I trust, will be accomplished in one way or another: slavery is a great moral evil, and a great physical suffering; and I trust that, ere long, means will be found to put an end to it. It is impossible, in the present state of the world, and with all the knowledge that has broken in upon us, to suppose that slavery can exist much longer.

I do not wish to enter into any invidious topics; though I confess my right hon. friend almost tempted me to do so, when he took upon himself to compare the state of the slaves of antiquity with the condition of the slaves in the West Indies. Let me remind him at least of one difference between the two: that among the ancients it was not in general difficult for the slave, by his industry or by his good conduct, to obtain his emancipation in a few years; but we all know the extreme difficulty of doing so in the

West-Indies: we all know how, in fact, of late, obstacles have been thrown in the way of individual manumissions. But upon this point I do not wish at this time to go into any unnecessary discussion. I will only, therefore, in conclusion, remind the House and my right hon. friend, that the grand point to be kept in mind is, that the great changes that are contemplated, and the benefits resulting from them, must not only be recommended strongly to the colonial assemblies, but the government at home must see them carried into effect. It is a part of the duty of government to see that what is held out in the resolutions is in truth performed. I do not wish to state what is invidious; but it is necessary that something should be mentioned on this head, because I must say, without reserve, that hitherto neither government nor parliament itself has done its duty.

On the whole, I congratulate my hon. friend on the degree of success which has thus far attended his motion. He has made his appeal to the House and to the country; and that appeal has not only been heard with attention, but has created the most general and lively interest. Let us hope and trust, that my right hon. friend will pursue his course, the course he has declared that he will pursue; and that the benefits he wishes to be communicated to these unhappy beings may, in fact and practically, be secured to them. After all that my right hon. friend has conceded, I know not what my hon. friend proposes to do, as to the motion he has made; but it may be observed, that we now stand in a perfectly new situation, entirely different from that in which we stood at the time of our entering the House, and when the motion was brought forward. Let it be remembered that we have now an acknowledgment on the part of government that the grievances of which we complain do exist, and that a remedy ought to be applied. We have also the assurance that a remedy shall be applied. This state of things must give the utmost satisfaction to my hon. friend, and to all those who feel interested in the success of his object; and under these circumstances, I will no longer detain the House, than by expressing my confidence that we shall this night lay the foundation of what will ultimately prove a great and glorious superstructure.

Mr. *C. Ellis* said:—Sir, there is something so fascinating in the peculiar character of the eloquence of the hon. gentleman who has just sat down, the topics also on which he has dwelt in his speech are calculated to appeal so forcibly to all the best feelings of his hearers, that it requires no ordinary effort to rise in opposition to him on such a subject. But, though I am sufficiently conscious of this disadvantage, and of the still greater disadvantage of my own insufficiency, I feel myself called upon by a yet stronger sense of duty towards the class of persons to which I belong, whose interests are deeply implicated in this question, to stand up in support of their rights and in vindication of their characters. For, notwithstanding the declaration with which the hon. gentleman who made this motion commenced his speech, I must take the liberty of saying, that he did not very cautiously abstain from imputations of no light or uninvidious character; and I trust, therefore, that the motive which impels me thus to claim the indulgence of the House will induce them not to withhold it.

In standing up, as I do, on behalf of the planters of the West Indies, and as one of that body, I beg not to be considered as the champion of slavery. As a West-India planter, I do not hold myself in any degree responsible for the establishment of that system. The planters of the present generation, most of them at least, found themselves, by inheritance, or by other accidental causes, in possession of property the fruit of the industry of their ancestors or other predecessors, and of capital vested in the West Indies by them, under the sanction of the government and of the parliament of this country, through their encouragement and in reliance on their good faith. Thus circumstanced—their own property, and that of their nearest connexions, intimately bound up with, and dependent upon, the existence of the scheme of society established in the colonies—what were the duties which these circumstances imposed upon them? I conceive them to have been —to administer that system with liberality to exercise the power placed in their hands with lenity and humanity — in a word, to do all that depended on them, consistently with their own safety and the security of their property, to mitigate and progressively to improve the condition of the negroes. If they have failed in these duties, they have incurred a fearful responsibility, and to a higher tribunal than this House. But for the establishment of slavery, for the inherent vice of the system, for that original sin, they are not responsible; the responsibility attaches upon the government who framed the system, and upon the parliaments which have repeatedly sanctioned it, and who framed and have upheld it, for views of British policy. For be it remembered always, in treating this question, that our colonial system was not established for the sake of the colonies, but for the encouragement of British commerce and manufactures; for the purpose, to use the words of the Navigation act, "of rendering his majesty's plantations beyond seas beneficial and advantageous to this kingdom in the employment of English ships and English seamen." It is the same with respect to the slave trade. The slave trade, in its origin, had no reference to our colonies: there are on record slave-trade voyages anterior to the period of our possession of the West-India colonies: it has been carried on for its own sake, and in order to supply foreign countries with slaves; and the British parliament has invariably treated it as a part of that system of navigation and commerce upon which our naval power mainly rested, and with which the interests of the colonies were connected only as secondary and subservient, and as being instrumental to the support of those great paramount British objects. Parliament, for nearly a century and a half, encouraged, watched over, and regulated that trade, not as was the case from the period when the hon. member for Bramber undertook the subject for purposes of mercy towards the unhappy victims of it, but for the purpose of securing to British subjects the exclusive profits of the traffic, and in order to render it, under our navigation laws, one of the means of our maritime strength. Parliament enacted, that no slave ships should be admitted into our colonies but from British ports; that they should be British built, and navigated by three-fourths British seamen. Let not parliament then suppose, that it can throw off from itself, and fix upon the planters in the colonies, the responsibility for this long course of crime. The planters, even if they can be considered as participators in the crime of the slave trade, must be acknowledged to have been seduced into it by the mother country. For the establishment of slavery, therefore, they are in no degree responsible; it was exclusively the work of the government and parliament of Great Britain; and whatever may be the sacrifice involved in a due atonement for it, they are bound to take it upon themselves. They have no right to inflict it upon the colonies.

It is admitted, on the part of those who bring forward this proposition, or at least it has been declared, that it is not their intention to injure or destroy the property of the planters. All *they* ask is, the fair protection promised under the faith of parliament: parliament is bound to fulfil its duty equally to both parties—to the slaves and to the planters. We are bound not to allow a natural propensity to indulge an amiable feeling of humanity, to lead us away from the discharge, however irksome or inconvenient, of the obligations of justice: still less should we be warranted in permitting an intemperate zeal in the performance of the one duty, to lead us into a course which would produce the violation of both of them. The force of this obligation has been fully admitted by the hon. gentleman on the other side, and especially by the hon. member for Bramber, in the speech in which he called the attention of the House to the subject early in the present session: he then admitted, that we had not a right "to pay a debt of African humanity with West-Indian property." All I ask of him, and of the House, is the equal performance of these duties: I would even be content to rest the decision of this question, and my whole argument on behalf of the West-India planters, on the fair fulfilment of one of them; namely, the duty which this country owes to the negroes. I entreat the House to recollect, that liberty, though the greatest of all political blessings, is a blessing capable of being abused, if conferred on persons not fitted to receive it; and abused to the injury of those very persons upon whom it is bestowed. If the result of emancipation were to be, as at this moment it would probably be in Jamaica, or in any other of the islands, where there are the means of subsistence in the mountains abundantly sufficient for all the wants of savage life, and when there would exist no stimulus to labour but such as arises from the artificial wants of civilized society; if the result were to be, that the negroes on their emancipation were to betake themselves to the mountains—to revert to their former habits of savage life—if, forgetting the doctrines and truths of Christianity as yet but recently and imperfectly inculcated, they were to relapse into their former superstition—if, abandoning the habits of peaceful industry, they were to have recourse to plunder and violence for subsistence; if such were to be the result of emancipation, let me ask whether we should have performed our duty towards the negroes.

I conceive our duty to be very different—to be more difficult and more complicated. I conceive it to be—so to prepare them, by religious instruction, by the gradual acquisition of civil rights, and by the habits of civilized life, that the influence of those habits may be substituted for the authority of the master whenever that authority shall be withdrawn; that they may become honest, peaceable, moral, and industrious members of a free society, and that the transition may take place without a convulsion. In a word, I conceive the only means of making atonement for the original crime of the slave trade, and the establishment of slavery, to be, through the benefits which we may thus confer on the progeny of those upon whom we inflicted the original injury.

It is because, in my opinion, the resolutions proposed by the hon. member would not have the magic power of effecting this object — because I think the consequence of adopting them must inevitably be, to produce results in direct opposition to the purpose which I have no doubt the hon. gentleman and his friends have in view—because I am satisfied that the resolutions, if passed, would operate like a proclamation of enfranchisement—because the declaration that their liberty had been withheld from them, contrary to the principles of Christianity and the British constitution, could not fail to be considered by the slaves as an admission of their right to assert their liberty by whatever means of violence might be in their power, that I must protest against this work being undertaken by this House. If this House were to resort to compulsary enactments, producing resistance on the part of the colonies, whether their resistance should arise from unreasonable apprehensions, or our enactments should originate in ignorance of the feelings and habits of the inhabitants of the West Indies; whichever party might be in the wrong, it matters not: if you were to hold up to the negroes the spectacle of the British parliament legislating in their favour, and the colonial assemblies resisting the benevolent intentions of parliament; would not the negroes consider the British parliament as their benefactors, and the colonial assemblies as their oppressors? And could the existence of such a feeling be by possibility consistent with contentment, or long even with submission?

I conceive that it is not fair or just to say, with the hon. member who spoke last, that the House is driven to this extremity because the colonial legislatures proceed so slowly in the work of amelioration. I beg the hon. gentleman and the House to reflect what has been the rate of progress by which the peasantry of Europe have arrived at their present condition from their former state of villeinage; how large a portion of Europe is, even at this moment, inhabited by a population which, if somewhat raised in the scale of society above the negroes of the West Indies, are scarcely in a less degree depressed below the state of freedom which is enjoyed by the subjects of the Crown of Great Britain. It is therefore only fair to consider how far a slow progress may be essential to a peaceable transition from slavery to freedom, at all times and in all countries; and we must not forget how much the difficulties are complicated and increased, and the dangers augmented, I should say, almost incalculably, in the case of our colonies, by the difference of colour—by the feelings and prejudices associated with that distinction — by the overpowering numbers and physical force of the slave population as compared with the white inhabitants of the colonies—and by the great political power which must of necessity be conveyed by an equal participation in all the civil rights which are enjoyed by British subjects under our free constitution.

After taking into account all these considerations, and giving due weight to the complications introduced into the question, by the fears of the one party, and the claims of the other, we shall find that this is a problem, perhaps, of more difficult solution than any that was ever submitted to the legislature of any country. It is only by looking fairly at this difficulty, that we can judge the right which we have to charge the colonial legislatures with being culpably slow in the progress which they have made.

Perhaps I might be justified in resting

their defence solely upon these general grounds; but as reference has been made by the hon. member who spoke last to an address adopted by the House, on a motion which I had the honour to make in 1797,* and as he has taken occasion to reproach the assemblies of the islands with having paid little attention to the appeal then made to them, I feel myself rather personally called upon to advert somewhat more particularly to this part of the subject. I will frankly admit, that the sanguine expectations in which I at that time indulged (I was then a very young man) have not been altogether realized: I admit that I think more might and ought to have been done: I believe that more may, and I trust will be done by the colonial legislatures, when applied to, as there is reason to believe they will now be applied to, by the government at home.

But, while I make these admissions, I trust I may be allowed to state on the other hand, that it is not quite fair to say nothing has been done by the colonial legislatures; and that much of the reproach which has been cast upon them has been unmerited. In confirmation of this assertion, I beg leave to notice some of the enactments which have been passed in the assembly of Jamaica, with a view to the improvement of the condition of the negroes. I am sorry to trouble the House by going into these details; but after the appeal which has been made to me, and after the reproaches to which I have referred, deeply implicating the characters of most respectable persons, I feel that I am in a manner compelled to enter into them. In the same year in which the Address which I have mentioned was voted by this House, in 1797, an act was passed by the assembly of Jamaica, with a view of promoting the religious instruction of the negroes, and of affording further encouragement to respectable clergymen to establish themselves in Jamaica. In this act it was made part of the duty of the curates and rectors of every parish, to attend for a certain time on every Sunday in their churches, for the purpose of affording religious instruction to the negroes or persons of colour who might be disposed to receive it. A fund was at the same time established for the maintenance of the widows of the deceased clergy. In the years 1801, 1807, 1809, and 1816, the consolidated slave laws were passed, forming a consecutive series of revisions of the slave laws from 1787; each revised law containing new regulations in favour of the negroes. In the last law, passed in 1816, some clauses were inserted specially for the purpose of meeting some of the objections urged in this country against the colonial codes: one of them furnishing new facilities to manumission by will, and providing protection for any negroes detained in any jail or workhouse, alleging themselves to be free; and making it imperative upon the senior magistrate to summon a special session for the investigation of such allegation.

This last revision of the slave laws was preceded by a committee of the House of Assembly, who made a long and elaborate report, in which they recommended, First, the prohibition of the sale of slaves under writs of *venditioni exponas;* next, the prohibiting the purchase of slaves by middle-men—a very improper practice, and one which certainly required a remedy; and, thirdly, the enlarging of the powers of vestries as a council of protection, and the placing under their care the cases of all negroes who might have cause of complaint against their masters. The two last of these recommendations were adopted by the assembly. The first of them was taken into consideration by the House, with every disposition to amend the law; but it was found to involve difficulties that had not been foreseen by the committee—difficulties of a legal character, which the assembly were not able to surmount. The committee had also taken into their consideration the question of attaching the negroes to the soil. The difficulties attending the enactment of a law of this nature are stated fully in their report. The objections were such as either had reference to the inconveniences which might result from it in point of law, or to the hardship which the negroes themselves might occasionally suffer from being attached to a barren and unproductive spot. With respect to the enactment of this law, and the repeal of that of *venditioni exponas,* I have only to say, that if the honourable gentleman can obtain a solution of the legal difficulties from his majesty's attorney-general, or from the noble lord who presides in the court of chancery; and, if the inconveniences affecting the negroes themselves cannot be obviated; I think I may venture to say, no objections will be made of any other character—certainly none on the part of the West-India planters, connected with their own immediate interests.

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* For the debate on Mr. Ellis's motion for the Amelioration of the Condition of the Negroes, see Parl. Hist. vol. 33, p. 251.

But this is not all that has been done by the assembly. In 1817, a law was also passed to make it imperative on every overseer or manager of an estate to give information to the coroner of the death of any slave who may die otherwise than according to the common course of nature. In 1816, also, an act was passed for the appointment of a curate in each parish with a salary of 300*l.* for the purpose of promoting the religious instruction of the slaves. It was notified to the assembly that this provision of 300*l.* currency (something more than 200*l.* sterling) was inadequate. The Assembly did not say, as they might have done, that the sum so provided was more than double the amount of the generality of curacies in this country, and even equal to the amount of many livings; but with great liberality they immediately increased the salary to 500*l.* currency.

If gentlemen should say, as has been not unfrequently the practice, that these enactments are a dead letter, I must beg leave most positively to deny the truth of such an allegation; and I appeal to the general improvement which has, as I understand, taken place in the condition of the black population, in proof of the correctness of my assertion. In 1805, when I was myself in Jamaica, the treatment of the slaves, I can venture to assert from my own observations, was such as reflected credit on the liberality and humanity of their masters; and I have been informed, and from authority which I cannot doubt, that since that period a further and very considerable improvement has taken place, both in the habits and behaviour of the negroes, and in their treatment by the white inhabitants. Since that period also, nearly the whole negro population of Jamaica have been baptized; and I am further informed, that in many districts marriages have become very frequent among them. I do not state these improvements, as claiming any great credit on behalf of the legislature of Jamaica; but I think I am justified in saying, that they bear me out in the assertion, that a general and progressive improvement, has been, and is still going on in that country.

With respect to many of the regulations alluded to by the hon. gentleman who opened this debate, I believe that no objection will be offered on the part of the planters in the West-Indies. For instance, as to the regulation for securing to the negro by law, that property which he now possesses through custom only, I think I can venture to say, there will not be made the slightest objection. With regard also to a point which has been made the subject of great reproach—I mean what is commonly termed the driving system—I must beg leave to say, I do not believe, however confidently it may have been asserted, that the whip *is* used as a *stimulant* to labour. I believe it will be found that the whip is generally placed in the hands of the driver—who is always a confidential negro—more as a badge of authority, than as an instrument of coercion. I admit, that it may be—as the appellation denotes—the remnant of a barbarous custom. But it is, in fact, considered at present only as a symbol of office. It is not, however, of importance now to discuss this point; for I am persuaded the planters will make no objection whatever to the prohibition by law of its use for either purpose.

With respect to another practice, the indecent punishment of females with the whip, there can be no doubt as to the propriety of passing a law for its prohibition. With regard to the abolition of Sunday markets, and the affording equivalent time to the negroes to work on their own account, I have no hesitation in saying, that the planters would readily agree to such a proposition, provided that the means of employing the time so given up to the negroes, in religious instruction, can, as I trust it will, be afforded. With respect to some other points adverted to by the hon. member, I fear serious objections, and greater practical difficulties than he is himself aware of, may be found to exist. I have, however, no doubt, but that the West-India planters will consent to every fair and reasonable proposal for the improvement of the condition of the slaves. But, gentlemen must not be surprised if modifications of detail, which may not have occurred to them, should be found essential to the safe or beneficial adoption of such improvements in the colonies. It is with great reluctance that I trouble the House by going into these details; but there is another point on which so much stress has been laid, that I cannot pass it over. Much obloquy has been cast upon the colonies on account of the general inattention paid to religious duties in those countries, and the licentious habits both of the black and white inhabitants. I am far from meaning to be the apologist of such a state of manners; but I must beg it to be recollected, that, among other paramount rights which the mother country has retained, she has included that of the superintendance and patronage of the church establishment in the colonies. She has undertaken to provide them with religious instruction; she has placed the clergy under the jurisdiction of an English bishop; and she has given to the governor of each colony, who is appointed by the Crown, the nomination of all the livings. The sole and single duty left to the colonies is the charge of providing salaries for the clergy. If that duty has been discharged by them with a degree of liberality which sets all reproach at defiance—if that very liberality has operated as a temptation to the abuse of the patronage so reserved by this country—if clergymen have been selected with less regard to their fitness for the due performance of their religious duties than to their need of the large profits of the livings; and if the clergy so appointed did not pay that attention to the moral and religious instruction of the negroes which they ought to have done, and which all admit to be so desirable; if they have not obtained that influence over, and that respect from, the white inhabitants of the colonies, which belongs to their sacred character, I ask where does the responsibility attach for the bad state of morals of a society so neglected as to that point upon which the morality of all society must depend? I do not mean to insinuate, that such complaints can be truly urged against the clergy in the colonies at the present moment: I believe, on the contrary, that the church patronage, in the island of Jamaica at least, is judiciously bestowed by the noble duke at the head of the government there; and I beg leave to offer to the right reverend prelate, under whom the clergy are at present placed, the humble tribute of my gratitude for the zeal and interest which he has shewn in furthering the religious instruction of the slaves. But the present state of morals and manners in the West Indies is the fruit of seed sown long ago, and not easily nor speedily to be eradicated. Be the responsibility, however, as to the cause, where it may, the duty of remedying the evil, I agree, is not the less urgent. But that remedy is not to be found in the emancipation of the negroes. No mode of arguing can be more fallacious, nor, I must take the liberty of saying, more unfair, than to cite the bad state of morals in the West Indies as a reason for the enfranchisement of the slaves. It may be an argument *ad invidiam*, a powerful means of exciting feelings prejudicial to the inhabitants of the colonies, but it can be no reason for emancipation. Emancipation is not the only, nor the best remedy—as that argument would imply—the best, and I will venture to say, the only remedy for the present state of morals in the colonies is, the influence of religion. Emancipation, I contend, has not *per se* any tendency to remedy the evil. The utmost state of moral licentiousness, we all know, is compatible with the utmost degree of political freedom. And freedom, if given to the negroes before they are fitted to receive it, would only confirm and aggravate the evil. We must therefore look to another course. The only course, as I conceive, consistent alike with the duties of real humanity towards the negroes, and of justice towards the proprietors in the colonies, is that recommended in the resolutions of my right hon. friend. In pursuing that course the government are entitled to the fair and honest co-operation of the West-Indians in this country, and in the colonies; and I trust, that the confidence which will be inspired by the able and statesmanlike manner in which my right hon. friend has treated this question will ensure the application to the colonists not being made in vain. Time was, when I should have hazarded the anticipation that such a course would have also met with the approbation of hon. gentlemen most particularly interested in favour of the Africans. That course is indeed pointed out and described with equal distinctness and eloquence, by a writer supposed to be the organ of their sentiments; and an authority to which I am particularly glad to be able to appeal, as not being liable to the suspicion of any undue partiality to the West-Indians. In describing the views of the abolitionists in respect to the future emancipation of the negroes, he says,—"They did not aim at an emancipation to be effected by insurrection in the West-Indies, or to be ordained precipitately by positive law; but they never denied, and scrupled not to avow, that they did look forward to a future extinction of slavery in the colonies, to be accomplished by the same happy means which formerly put an end to it in England; namely, by a benign, though insensible, revolution in opinions and manners, by the encouragement of particular manumissions, and the progressive melioration of the condition of the slaves, till it should slide insensibly into general freedom. They looked, in short, to an emancipation, of which not the slaves, but the masters, should be willing instruments or authors."

The writer then goes on to describe the particular mode in which the extinction of slavery was accomplished in England: "In England, if it be asked what cause most powerfully contributed to the dissolution of the degrading bondage of our ancestors, the answer must clearly be, the extreme favour shown to individual enfranchisements by the judges and the laws. That baneful growth of foreign conquest, or early barbarism, *villeinage*, had nearly overspread the whole field now covered with the most glorious harvest of liberty and social happiness that ever earth produced, and where not one specimen of the noxious weed remains; yet it was not ploughed up by revolution, or mown down by the scythe of a legislative abolition, but was plucked up, stalk by stalk, by the progressive hand of private and voluntary enfranchisement. Slavery ceased in England only because the last slave at length obtained his manumission, or died without a child." I would recommend this text to my right hon. friend and his colleagues for their guidance, in the prosecution of the great work which they have now undertaken. He will find it in the Report of the African Institution, published in the year 1815. I will only add, that to the extinction of slavery, so to be accomplished—namely, "by the same happy means as in England," with the same regard to private property, and a similar maintenance of the public tranquillity—I not only have no objection to offer, but, with such limited means as I possess, I should feel bound to lend, my humble support.

Mr. *William Smith* said:—Notwithstanding there may have been something objectionable in the tone and manner of the hon. gentleman who has just sat down, I have on this account nothing to retort, but I am ready to give him all imaginable credit for the sentiments he has himself declared, and on which, I hope, he has consulted the opinions of a large number of persons, who in a resistance to a proposition of this nature would be extremely ready to join him. In many of the facts he has stated, and in much of the reasoning he has advanced, I am much disposed to agree, and in nothing more than what was insisted upon so strongly by my hon. friend who began this debate, that this, the first, and every other step towards emancipation must be gradual. But still there is this great distinction between us, more material than I wish it were, that while I admit, on the one hand, that the emancipation of the negroes must be gradual, I think at the same time it is absolutely necessary, that it should be rendered certain. It is upon the uncertainty of what has been proposed to us this night by the right honourable gentleman on the other side, that I feel myself most dissatisfied. The hon. gentleman who spoke last has referred to a measure taken by himself, or at his suggestion, many years ago, which unquestionably did him great honour at the time: he has acknowledged, that, because the execution of his proposition was left to the legislatures of the West-Indies, it did not effect all the good he had intended towards the negroes. Now, on this particular point, I must beg leave to call the attention of the House, and of the right hon. gentleman, to a circumstance which he may have forgotten. On the 19th June, 1816, an hon. relative of the hon. gentleman on the other side proposed a resolution, from the conclusion of which I will read the following words: "And that his royal highness will be pleased to recommend, in the strongest manner, to the local authorities in the respective colonies, to carry into effect every measure which may tend to promote the moral and religious improvement as well as the comfort and happiness of the negroes." Here, then, we get into this dilemma; either the colonial assemblies have carried those ameliorating measures into effect, or they have not: if they have not, it may arise from one of two causes—either that the parties were inattentive to the recommendation so strongly urged by this government; or that they saw the moral and religious improvement, and the comfort and happiness of the negroes, with eyes very different from those with which parliament contemplated them. I should wish to know, then, what greater security we have at this moment for effective exertions on the part of the West-Indian legislatures, if we adopt the resolution of the right hon. gentleman which has just been proposed. We may again declare, "That it is expedient to adopt effectual and decisive measures for meliorating the condition of the slave population of his majesty's colonies:" but are we sure that it will be of any use to declare it? After the adoption of the former resolution which I have just noticed, we received information from the best authority, that the laws passed in the West-Indies were, even avowedly among themselves, only to gain time, and to quiet the parliament and people of England. [The hon. member read a quotation from the document he referred to, and then proceeded.]

What I have to ask is this: have the important objects so recommended been accomplished within the last seven years, or have they not? Nay, I will ask a question much more home: has any one of the propositions mentioned to-night as almost a *sine qua non,* with a view to the improvement of the condition of the negro, been put even in a train of accomplishment in the West-Indies? The fact is, that when the returns from the colonies were laid upon the table the other day (which, allow me to say, ought to have been there long since, having been ordered two years ago), I turned over the book, expecting, of course, to find the proper return from Jamaica; and it was not till after I had gone through it twice, that I could persuade myself, which I did very reluctantly, that it was really wanting. Not one word from that most important of all the islands. And yet without that return we must take what has been done, merely upon the representations of the hon. gentleman: I mean what has been done, among other things, for the moral and religious improvement of the negroes. I hold in my hand a Jamaica Gazette, dated no longer ago than in November last, in which it appears that a committee of the house of assembly reported, that, excepting in two or three large parishes, it had not been found that the measures taken for the religious improvement of the blacks had been attended with success. As far as my own private information goes, I may say, that those measures have been attended with very little advantage indeed. I am afraid it will be found, that the expectations of the British parliament, so far from being realized, have been grievously disappointed, and that, as to moral cultivation, the cause has gone as much backward in some cases as forward in others: so far, too, from any facilities having been given to manumission, it is now more difficult than it was at any former period.—It concerned me much to hear the hon. gentleman who spoke last, so openly object to any interference on this subject by the British parliament. He was opposed to all interference and almost protested against it.

Mr. *Ellis.*—My observations were directed against the policy and consequences of interference.

Mr. *William Smith.*—I understood him to protest, or to say what nearly amounted to a protest, against any interference on the part of the legislature here on behalf of the slaves. If I was mistaken, I am glad of it; and I would rather take his interpretation of his own words, than attempt to put my own sense upon them. But if we are to be threatened with consequences, and to be talked to of the impolicy of interference on the part of the British parliament, if the proceedings of the colonists should be too dilatory and inefficient to meet the just expectations of this country, and if we are to forbear because we are so threatened, I fear that the conclusion of our undertaking for the benefit of the negroes is by no means so near as we could desire. During the first period of our labours, we know from the hon. gentleman himself, that they did not satisfy his own expectations; and, during the latter period, we are equally sure, that they did not satisfy ours. What better ground of confidence do we now possess? I must indeed think that, after all we have seen upon this subject, after all the experience we have had during a long series of years, we are entitled to demand some greater security than the right hon. gentleman, in his resolutions, has given us.

It is not my intention at this period, and after what has been already said, to go into details; but I feel disposed to contend against some of the most material points adverted to by the hon. gentleman. As to the first settlement of the colonies, it is a long way indeed for the hon. gentleman to look back; and I confess I see no necessity for it, since it makes nothing for his argument. I shall not follow him thither; but when he tells us, that the emancipation of the villeins, and the destruction of feudal tenures, was the work of many ages, I must ask whether gentlemen really do think, that now, in the nineteenth century, we are to make no quicker progress in the annihilation of slavery? and when we know too, that it is held in detestation by the whole British people? Have we no additional lights to guide us in 1823, beyond those which were possessed in 1400? We know, in point of fact, that at that time the trade in slaves between Bristol and Ireland had scarcely ceased. In the 13th century, it is an unquestionable fact, that Englishmen were kidnapped on the shores of the Bristol channel, then taken to Ireland, and there actually sold as slaves, until the practice was put an end to by the Irish themselves—on account of its acknowledged inhumanity.

But I beg leave upon this, and every occasion when the opportunity offers, to enter my strongest and most indignant protest against the doctrine of treating man as the property of man; and never will I admit that claims of a nature so immoral and extravagant are to be treated with as much delicacy as private rights of a legitimate description. Unless we utterly reprobate this idea in the first instance, we do almost nothing; and it is chiefly to endeavour to destroy this notion, which in some quarters seems even yet to prevail, that I have risen: very much indeed for this especial reason do some of the propositions of my hon. friend deserve to be preferred to those of the right hon. gentleman. As long as we suffer ourselves, or any person or persons connected with us, or dependent upon us, to apprehend that it is possible to hold the same unconditional property in their fellow-men as in any other species of production—until that impious opinion, destructive of all the distinctions which the almighty has established between man and brute, is removed so completely that not a trace of it shall remain, the march of amelioration in the condition of the negroes will be slow indeed.—Having said thus much, I will content myself with repeating, that I entreat the right hon. gentleman to give us a little more information as to the time when this amelioration, according to his resolutions, may be expected to take place; and as to the security on which he rests that, without the interference of parliament, it will ever, at any definite period, however distant, receive its accomplishment.

Sir *George Rose* said, that although the turn the debate had taken induced him to address himself to the House far more briefly than he had originally intended, there still were considerations which he deemed it indispensable to lay before it. These arose from the altered state of Christianity amongst the slave population of the British West-India settlements, which, whilst it is by no means such as it undoubtedly ought to be, is yet not so hopeless as it has been represented, and by no mean authorities. Even the University of Cambridge, in its petition, has declared, in speaking of the negroes, that "religious instruction is nearly altogether precluded"—a statement in no wise warranted by the case. He begged the House, however, to believe, that very far from considering the progress made, as that which ought to satisfy those interested in that highly important matter, he looked upon it but as the earnest of what remained to be done by the West-Indian proprietors, and as the proof of what may be effected. Being by inheritance one of these proprietors, he had, from the moment of becoming such, felt the immensity of the responsibility which devolved upon him as charged with the spiritual welfare of the negroes on the property in question; the small extent of it being of course no measure of that responsibility; and he was led to state circumstances which had occurred to himself, as testifying powerfully to the beneficent effects of religious instruction, both to the slaves themselves, and to their owners. Inheriting a small landed property in one of the lesser islands, he at once ascertained that, both from local circumstances, and from the duties of the parochial clergy to their white and coloured flocks, and from their being too highly educated for the missionary task among human beings so utterly ignorant, narrow-minded, and thoughtless, as the unconverted negroes are, he could not obtain spiritual aid for them from the clergy of the church of England. He then solicited it of the Moravian brethren; doing so with the concurrence of respectable persons in the island, whose co-operation he was mos anxious to obtain for the success of his views, as he knew how favourably they were impressed with regard to that very respectable and meritorious sect. Circumstances foreign to himself, but in which the pious and excellent persons to whom he addressed himself were blameless, rendered this application unsuccessful: there then remained no other source of religious instruction but that of the Wesleyan mission. This was the one he was the least inclined to address himself to, on account of the strong feelings against them which he knew to exist in the bosoms of those whose co-operation was most important to the attainment of his views; but as no other resource remained, and the choice was between heathenism in its worst shape, and Christianity as preached by a Protestant sect, he could not hesitate a moment what to do. He was bound to say, that the Wesleyan committee had met his wish for missionary aid with distinguished readiness, piety, and liberality. From his intercourse with its members, and his increasing knowledge of the operations of its servants, and of the subject in general, he had no less reason to be surprised, when, on the responsibility for the conduct of two other estates in Jamaica devolving in a great degree upon him, at a subsequent period, he found a state of things which was sufficiently instructive. On one of these estates, the best and the largest, the negroes, though baptized, were in every other respect completely heathen; grossly depraved and immoral; and its affairs very disadvantageously circumstanced.

The condition of the other estate was decidedly better. It is in the immediate neighbourhood of one of the stations of the Wesleyan missionaries, whose labours had led the far greater part of the black population ot real and practical Christianity. He had ascertained that, in the year 1821, of 120 males, ten were found to be of conduct more or less reprehensible, and had been punished; of 130 females, one alone had received reprehension and punishment: and the attorney of the estate, a man of very respectable character, speaking of the great improvement in the morals and conduct of the negroes within a few years, says, that "this improvement is so decisive, and the progressive discontinuation of punishment so marked, that he has a confident hope that punishment will die away, and be extinguished at no distant period; and that the beneficial effects are to be attributed almost exclusively to the labours of the Wesleyan missionaries,"—men whose active exertions for the weal of their fellow-creatures, he pourtrays in strong colours.

He observed, that enough had now been said to show the practicability of effecting the conversion of the negroes, by following up the beginning thus made; that, besides these considerations of the highest nature, there can be no doubt of the power of Christianity alone to effect the objects of the House in favour of the negroes, when it shall be general in the West-Indies; that slavery cannot stand against real and universal Christianity; that obstacles to the emancipation of the slaves, now multiplied and most serious, must vanish before it; that he could, were it not to trespass too much on the time of the House, give proofs that the improved religion of the slaves had already reflected a light upwards, and acted on classes of society above them, producing new feelings, and a new impulse; and that in an island where the greatest progress had been made in evangelizing the negroes, institutions were actually in progress, of which the West Indies would not have been regarded as susceptible a few years back. But he was bound to show that he was holding out no illusive hope; a regular improvement in the feelings of the West-India proprietors and of their attornies was in rapid progress, as demonstrable by various facts.

The Wesleyans are excluded from no one island; and as with respect to them alone, of all Christian teachers, have exceptions been taken, where they are admitted all others assuredly are. Upon seven islands every estate is open to their missionaries; and this will be the case with an eighth, when they can occupy the ground. They have access to a third of the estates in Jamaica, and to a half of those in Dominica; and they have missions in Barbadoes. The following may be a tolerably accurate statement of the progress of conversion amongst the slaves of the British West Indies. There are in those settlements not quite 800,000 slaves; of them, about 63,600 are adults under the care of the Wesleyans; and of these, a very large proportion are not merely baptized Christians, but such in their lives; as those whose conduct is repugnant to their Christian profession are excluded from their communion. If to this number is added that of children under instruction, and children of Christian parents baptized, and who receive instruction as soon as they are capable of profiting by it, the total number of Christians aggregated to the Wesleyans may be taken at about 80,000. And if those in real communion with the Moravians, who form a considerable mass; with the Baptists in Jamaica; with the Scotch church, and the agents of the London Missionary Society at Demarara and Berbice; and with the church of England; are computed at 20,000, the total will be 100,000, or an eighth part of the whole. It is particularly to be observed, that besides whatever aid may be derived from other missionary sources, the Wesleyans alone, had they sufficient pecuniary resources, could double the number of their preachers of the Gospel instantly, independently of whatever increased supply they may be able to furnish to meet a growing demand. Each of their missionaries costs them annually from 150*l.* to 250*l.* according to the state of his family. The average may then be taken at 200*l.*, and one missionary is considered as competent to the instruction of 1,000 negroes. It is true that they wisely allow no one to pay their servants but themselves; but they accept of all contributions to their funds; and such proprietors as will contribute, either jointly with others, or separately, according to the circumstances of their estates, the means of maintaining a missionary on the footing of expense and extent of labour specified, are sure of obtaining for their estates the spiritual labours necessary for the conversion of their negroes.

The duty to obtain such instruction is solemn, urgent, and imperative: the facility of obtaining it is such as has now been shown; and it is one that should be made positive and obligatory by law: and he felt an extreme anxiety that legal provision should be made to compel exertions of the landholders to procure teachers of the Gospel for the negroes through the whole of the British West India settlements; that returns of the progress of religious instruction should be required; and that every proprietor should at certain, and not distant periods, be obliged to show, either such progress actually made amongst his slaves, or that the absence of it arose from no fault of his; that he has made every practicable endeavour to promote it.

Mr. *Bright* said:—But for the turn the debate has taken, it was my intention to have gone at full length into the subject; but after what has already passed, I shall not occupy the House for many minutes. It cannot be denied that the question is of the highest importance to the interests of a large class of his majesty's subjects; I mean the West-India planters; who, I think, have to complain of a good deal of unmerited obloquy thrown upon them out of doors. I believe that the conduct of the planters has been much misrepresented; that justice has not been done them generally in this country; and I believe that they have been occupied as actively as was possible, under the circumstances, in ameliorating the condition of their slaves. I believe, that by numerous authorities this could be shown to be the fact; but I will not enter into that subject at the present moment. The West Indians have a just right to complain that their remonstrances and representations have not been duly attended to at home, and that many mis-statements have gone abroad as to the actual condition of things in the colonies. Some individuals who have been instrumental in putting forth these mis-statements ought to have been better informed. I will read a passage from a publication upon this subject, which, as I contend, is wholly unfounded; because I will afterwards submit to the House a direct contradiction of it. [The hon. gentleman here read a quotation from a tract in his hand, stating that the fines upon manumission had been nearly doubled.]

Now, this assertion I will undertake to refute. Within two or three days, returns have been laid upon the table from nearly all the islands in the West Indies; and from these returns I will take the liberty of submitting certain results. It appears that, in the years 1808 and 1809, the tax on manumission in the island of Dominica was 100*l.*; and it is now only 16*l.* 10*s.* on slaves born in the island: on foreign slaves, it is 33*l.* In Jamaica, in the year 1797, the tax on manumission was 100*l.* currency; and so it continued till the year 1818: but now there is no tax on manumission; and out of 400 slaves freed between the year 1808 and 1818, only five paid any thing for their liberation. In St. Vincent's, up to September 1820, the fine or tax was 100*l.*; but since that date there has been no fine or tax at all. Eight per cent were paid by freemen under a former law. In Barbadoes, from 1808 to 1816, the fine on the manumission of a female was 300*l.*, and of a male 200*l.*; and so it continued until August 1816, when the fine was repealed: since that time, 250 slaves have been freed. In Antigua there has been no tax or fine on manumission, nor have there been any fees paid. In Tobago there is at this time no payment at all on the manumission of a slave. In St. Christopher's there was no tax or fine on manumission from 1808 to 1821. In Tortola in 1812 there was a fine of 6*l.* 12*s.*; and under that law only fourteen paid the fine; and it expired in 1813. In Trinidad there is no tax or fine on manumission. In Demerara a large sum is sometimes imposed; but it is thrown into the poor fund, upon which the slaves have a claim.

After these statements from official documents, let me ask the House if I have not made out, that in respect of manumission, in nearly all the colonies, the tax or fine has been remitted from time to time, and in some of them that it does not exist at all. What then becomes of the assertion, that the fines upon manumission have been nearly doubled? Yet that assertion was made by the hon. member for Bramber, who, on this most important point, seems not to have looked at the returns upon the table. Have I not overturned the proposition? Have I not shown that it is without a shadow of foundation; and that the fines upon manumission have been reduced or abolished in Dominica, Jamaica, St. Vincent's, Barbadoes, Antigua, Tobago, St. Christopher's, Tortola, Trinidad, and Demerara? I quoted the words of the hon. gentleman's pamphlet, and they will bear but one meaning; and I put it to any man whether that meaning is not, that at this time there are heavy fines upon manumission, and that the fines have been greatly increased.

There are many other instances in which the West-Indians have been harshly and unfairly treated by their opponents. There is a most notorious book which has been distributed in this country, which is generally believed to be an honest and true representation of facts; but it is far from it. I mean the book intituled, "Negro Slavery." I impute a bad intention very reluctantly to any man; but I do impute a bad intention to the man who put this book together. In that book a letter of the rev. Mr. Cooper has been much talked of; an extract is given from it, or professed to be given from it; but I will compare Mr. Cooper's letter itself with what is said of it in the pamphlet. [The hon. gentleman here read the quotation to which he referred.] Does not this, let me ask, convey a very strong imputation upon the Jamaica planters? But if I can show, as I will do, that such an imputation was not in the mind of the writer of the letter, ought it to go forth to the country with that interpretation? The real passage, as it stands in Mr. Cooper's letter, is this. [Mr. Bright read the passage.] I put it to the House whether what is printed in this book called "Negro Slavery," as a fair quotation, is so, or such as ought to be promulgated as the real sentiments of this respectable gentleman.

The author of the same work goes on, in another place, to quote Dr. Williamson, a medical man, who for a long time resided in the island of Jamaica. Of course he might be conversant with scenes of the utmost distress, if they occurred there: his object was to apply remedies to the evils he witnessed, and his statement is highly creditable to the humanity of the planters of Jamaica. I will read one or two quotations from what he says, to prove what I have advanced. I admit that passages may be found to show considerable mischief, and considerable evil may exist under the present system; yet the whole result of his opinion is highly favourable to the colonists, and to their management of the negroes. [The hon. gentleman read several passages from the statements of Dr. Williamson.] I could cite innumerable instances of the same kind; so that it is not fair that he should be put forward as a witness upon the other side, and against the planters of the West Indies.

Mr. *Sykes* said, I am most happy to hear the statements of the right hon. member opposite (sir G. Rose), with respect to the amelioration of the condition of the slaves in the West Indies; but I confess I should have received still greater satisfaction if the right hon. gentleman had been more explicit as to the mode, time, and manner in which the future emancipation of the slaves is to be attained. In this respect the House is as yet left in almost total darkness. It was my intention to have taken a fuller share in to-night's debate, and to have entered largely into a subject, in my view, more interesting than any that has engaged the attention of parliament: but after the conciliatory, and, in many respects, satisfactory, speech of the right hon. gentleman, I shall occupy the attention of the House for a very few minutes. The difference between the resolutions moved by my hon. friend and those of the right hon. gentleman, is not so wide as to call on the friends of the former for an extended discussion. The main object of my rising is, to say a few words in answer to my hon. and learned friend who spoke last. He has thrown out some observations with respect to those engaged in discussions upon negro slavery out of doors. He has addressed a speech against the pamphlets of others who are not now present, and who, consequently, cannot be heard in support of their own statements. With regard to the author of the pamphlet entitled "Negro Slavery," my hon. and learned friend has asserted, that he has misquoted Mr. Cooper. Now, I confess I do not see in what manner the author of the pamphlet has misquoted him; and, as I understand the passage, he has in substance stated the same thing. The point in dispute relates to the use of the whip; and I really think the same sense is conveyed in both passages.

My hon. and learned friend, after having dwelt at some length upon this pamphlet, adverted to the work of Dr. Williamson; but he does not seem to have been more triumphant in this quotation than in the other. Dr. Williamson is a staunch friend to the system of negro slavery; and the hon. member reads a passage to the House, showing that the result of the doctor's observations was highly favourable to the planters of the West Indies. It is not in the least surprising that such passages are to be found in this book, which was quoted expressly as being the work of an adverse witness. But, does my hon. friend mean to say, that the cart-whip is not the main organ of communication between the negro and his owner? Does he mean to deny that it is used to this very day; that it is suspended over the unhappy slaves during the time of their labour; and that it is uninterrupted until they go to their miserable rest at night? But facts have been stated over and over again, on this and on every other part of their case, which must have already produced their effect upon the House—more effect than all the arguments which have ever been urged by the ablest advocate for the abolition of negro slavery. Were more wanting, I have in my pocket a file of Jamaica gazettes which would furnish them, where is advertised the sale of negroes, together with chattels of various kinds; and where we have lots of cattle, household furniture, and slaves, coupled in the same advertisement.

Then, with respect to property; it is absurd to talk of it. The evidence of these unhappy beings is never taken; and what means have they, therefore, of defending their property, when it is the acknowledged law of the country that the testimony of the slave cannot be taken in a court of justice. Upon no consideration whatever is it admitted. And here let me observe the wide difference between the West-Indian slaves and those in other parts of the world. I confess I was somewhat surprised at the comparison drawn by the right hon. gentleman between the state of these slaves and the state of Roman slavery; for it seems to have been entirely forgotten in this comparison, that there is this great and obvious distinction, that the Roman slave was never excluded from giving testimony in a court of justice. I think I may state this in the most unqualified manner. In our colonies, however, the slaves are wholly excluded from giving such testimony. I did not rise to enter into any detail on this question, but rather to express my pleasure that this subject is now in the hands of ministers. I hope that they will keep a watchful eye over the colonial legislatures. But I must say, that if the right hon. gentleman places much confidence in their exertions, I fear he will be most grievously disappointed.

Mr. *Marryat* said: — It is far from my wish, Sir, to detain the House; but I am anxious to correct a mistake into which the hon. member opposite has fallen. I understood the hon. member for Hull to say, that the evidence of negro slaves is wholly excluded from courts of justice in the West Indies. Now, I feel it my duty to set him and the House right upon this point. In how many other islands the testimony of slaves is admitted I know not; but this I well know, that no longer ago than 1818, a law passed in the island of Dominica, making the evidence of slaves admissible; and I am happy to state further, that this law has been taken into consideration by the committee of West-India planters and merchants in this metropolis; and they having found that no inconvenience has arisen from that experiment in Dominica, I have every reason to believe, that, under their recommendation, a similar law will be introduced in every other of the West-India islands.

The hon. member for Norwich asked the House if any thing had been done in consequence of the addresses presented to the throne seven years ago, pressing strongly for an improvement in the condition of the slaves in the West Indies? To this question I will answer in the affirmative; and I will produce official documents in proof of this assertion. It is somewhat extraordinary that the hon. member for Norwich has never read the reports which were made by the different governors, giving an account of the state of the slaves in the islands over which they preside, in answer to the addresses in question. In order to put the House and the hon. gentleman in possession of facts with which they seem to be unacquainted, I will read the reports on this subject, extracted from "Further Papers relating to Slaves in the Colonies, ordered to be printed by the House of Commons, 19th June, 1818," which gave the following statements from the different islands:

Dominica.—Extract of a letter from governor Maxwell to earl Bathurst.—"The slaves in this island in general appear to be liberally treated and protected; and I think the legislature is inclined to adopt any measure for their amelioration that may be recommended by his majesty's government, or experience may suggest." (p. 112.)

Honduras.—Extract of a letter from lieut.-colonel Arthur to lord Bathurst. "With regard to the state of the black population, I have the most heartfelt gratification in assuring your lordship that it is scarcely possible it can be meliorated. So great is the kindness, the liberality, the indulgent care of the wood-cutters towards their negroes, that slavery would scarcely be known to exist in this country was it not for a few unprincipled adventurers in the town of Belize, who exercise authority over their one or two slaves in a manner very different from the great body of the community. The steps which I have taken with one of those characters, as reported in my despatch to your lordship of the 21st ult., will, I have no doubt, be attended with the best effect; and I turn with pleasure from this unpleasant exception, to the general features of the picture, which are so truly excellent. Amidst all our difficulties in other respects, it is quite impossible, my lord, that any thing can surpass the treatment of the slaves, men, women, and children, in this country. The system adopted in most other parts of the West Indies, of allotting to each slave a patch of ground, on which he is to raise food for himself and family, is here quite unknown. All the slaves are most abundantly fed by their proprietors, on the best salted provisions, pork generally, at the rate of five pounds per week for each man, with yams, plantains, rice, salt, flour, and tobacco. Every slave has a Moschetta pavilion, blanket, and shirt found him; also two suits of Osnaburgh annually. The men and lads work on account of their owners five days in the week; for the Saturday's labour they are entitled, by usage which has become a law, to half a dollar; and the Sunday is entirely their own. The women are only employed in domestic purposes, and, if they have young children, no work whatever is required from them by their masters. In fact, my lord, although I came to the West Indies three years ago a perfect Wilberforce as to slavery, I must now confess, that I have in no part of the world seen the labouring class of people possess any thing like the comforts and advantages of the Slave population of Honduras." (pp. 115, 116.)

St. Christopher's, Nevis, Montserrat, Tortola.—Extract of a letter from governor Probin.—"The slaves in general appear to be contented and happy." (p. 117.)

St. Lucia.—Extract of a letter from major-general Douglas.—"The effects of the abolition of the slave trade are certainly favourable to the condition of the black population; inasmuch as it is now more than ever the interest of every proprietor to preserve the health of his slaves, and particularly to cherish the rising generation, which was formerly very much neglected upon the sordid principle that it was cheaper to buy slaves than to rear them. In general, the treatment of this class of the population is just and kind: but there are many instances of the reverse, according to the disposition of the owner, and some of very great cruelty; but these, I am happy to say, are not numerous." (p. 124.)

Tobago.—Extract of a letter from Mr. President Campbell.—"I beg leave to inclose your lordship the Report from the Committee to the Council and Assembly, which was unanimously approved of, upon the present situation of this colony; and I do most firmly believe the whole to be true. The eleventh clause points out the situation of the negroes." (p. 126.)—Eleventh clause. "Your committee refers with confidence to the personal knowledge of every member of the two branches of the legislature, and of his honour the president, to bear testimony to the fact of the improvements which within these few years have taken place in the comforts and manners of the negroes. In confirmation thereof, your committee refers to the public documents of the colony, to show how the annual reduction in numbers is now so much less than it used to be, that we may confidently hope, that, instead of an annual reduction, we shall speedily obtain an annual increase. To the diffusion and increase of property among the negroes (generally evinced in their houses, their grounds, their dress, and their food), the diminished practice of obeah, the infrequency of punishment, and the total relinquishment of all night-work upon the estates, your committee believe that as much gradual improvement has been made, as the nature of our Black population (a great portion of it yet consisting of imported Africans) admits of. Other matters of amelioration of the condition of the negroes are in gradual advancement upon many of the estates, and will become general: but if any thing could more effectually prevent their beneficial attainment, it will be the attempt at direction, in these matters, of the African Institution, at once disgusting the master, and alarming him for the security of his property; and, by rendering him discontented with his situation, alienating the slave from all sentiments of respect and affection to his master." (p. 130.)

Jamaica.—Extract of a letter from his grace the duke of Manchester.—"I really believe there is a strong desire felt to consult the comfort of the slaves as much as possible; and if this object does not advance so rapidly as could be wished, it proceeds from no disinclination on the part of the proprietors, but from an apprehension of the consequences of too sudden a change in the habits and manners of the negroes, and which the events in Barbadoes have a tendency to increase." (p. 270.)

Committee of the House of Assembly of Jamaica, presented the 10th of December, 1817.—"Your committee have also considered the effects which have been produced by the measures adopted, during the last session, for the improvement of the condition of the slave population: the interval which has since elapsed has been too short to admit of any particular effects having resulted from their operation. Your committee, however, are fully persuaded that the tendency of those measures, and the spirit in which they were adopted, have produced a general effect of great importance, both as it respects the condition of the slaves, and the public tranquillity of the island. The slaves are satisfied that their condition is of sufficient interest to engage the attention of those under whose authority they are placed, and that their comforts and personal security are the objects of protection. In availing themselves of the facility which has been afforded them in making their complaint of any real or supposed grievance, they have observed the attention with which it has been decided. The increase which has taken place, during the last twelve months, in the number of proceedings, both civil and criminal, which have been instituted by or on behalf of slaves, is a fact which, accompanied as it has been by the greatest degree of subordination and good order on their part, may be referred to as the most decisive proof of their well-founded confidence in the justice of those to whom they appeal. This feeling, whilst it operates directly on their present condition, by lessening the possibility of their being exposed to injury without receiving redress, and by rendering them contented with their situation, is calculated to impart to them those principles which will enable them to estimate the benefits, to acquire the habits, and to practise the duties which belong to a more civilized state of society. Your committee attach great importance to this consideration, because it encourages the belief, that a foundation is laid for future measures of progressive improvement. Every view which your committee can take of the present and future condition of the slave population confirms them in their opinion, that the improvement of their religious, moral, and civil state, can only be effected by gradual and progressive measures; and that any experiments which have a tendency to produce a sudden change in their present state, by the introduction of principles which are unknown to, and inconsistent with, the policy of colonial institutions, and the habits of the slaves themselves, would be as fatal to them as dangerous to the security of the island." (p. 271.)

Trinidad.—Extract of a letter from governor sir Ralph Woodford.—"To proprietors of slaves, as to mankind in general, no incentive can be so great as their own interest. It is not in their power now to replace a slave whose physical powers are exhausted by a short service: therefore, the value of a slave of good character is greatly enhanced beyond the value of his ordinary appraisement; and proportionate efforts are made to keep up his natural health and vigour. The comforts of the slaves depend upon themselves and their own industry, and their health upon their own imprudences, or the quantum of work they are required to perform. They can, if they choose, with very little trouble, amass much beyond the wants of the utmost ambition or profligacy; but the idle and drunken (of which there are many) will always be in poverty and in rags. I have frequently known cases of negroes preferring to continue slaves, rather than with ample means to purchase their freedom, or even to accept it. With a humane owner the negro is most happy; and as a slave, and when sick, he always shares the fare of the owner's table." (pp. 275, 276.)

In my opinion, nothing can be more satisfactory than these reports, to show the gradual and continued improvement in the condition of the slaves. These, let it be remembered, are high authorities; and I beg to remark, that they are not the statements of West-India proprietors, but of governors, who, as far as their opinions go, must speak disinterestedly: and least of all are they men liable to be influenced by colonial prejudices. But there is another circumstance connected with these reports, which ought to give them still greater weight with the House; that several of them come from gentlemen who have been, and still are, extremely zealous in support of the cause of the abolition of negro slavery. For instance; governor Maxwell, the governor of Dominica, after having resided at Sierra Leone, obtained his present appointment through the interest, I believe, of the hon. member for Bramber. Colonel Arthur, too, who writes from Honduras, professes that he went out there a perfect Wilberforce as to slavery. Sir Ralph Woodford, the governor of Trinidad, is a correspondent, and a very valuable one, of the African Institution, and very honourable mention has been made of his name at one of the anniversary meetings of that society. Do not these official reports refute the calumnies thrown out by some hon. members; and more particularly the assertion, which I was sorry to read in a pamphlet recently published by the hon. member for Bramber, "that the system of slavery in the West Indies is a system of the most unprecedented degradation and unrelenting cruelty?"

The difference between the amendment and the original motion appears to me to be a difference rather in the mode of execution, than in the end we all have in view. As to the preference to be given to the amendment, I think no doubt can be entertained, upon this one plain principle, the conciliation of the White and Black population in the West Indies. If an abstract resolution, declaring "that the state of Slavery is repugnant to the principles of the British constitution and of the Christain religion, and that it ought to be abolished," was known to emanate from a British House of Commons, it might produce excitement in the minds of the negroes in our colonies. But if merely an intention to ameliorate the condition of the black population is held out, the effect will be very different, and no irritation whatever will be excited in their minds. In the one case, any amelioration in their condition will appear to be the work of this House, forced upon their masters in the West Indies, and will excite a spirit of dissatisfaction; but if, on the other hand, as in the resolutions of the right hon. secretary of state, measures are proposed to, and adopted by, the colonial legislatures, it will then appear as if they were the effect of the good-will of the masters towards their slaves; and instead of discontent and dissatisfaction, gratitude and contentment will be excited in their minds. For these reasons, I am bound to express my most hearty concurrence in the resolutions proposed, by way of amendment, by the right hon. secretary of state.

Mr. *Brougham* said:—Sir, I am quite sensible that at this late hour of the night it would be unbecoming in me—it would be acting in contradiction to the general sense of the House—were I either to go into much detail on this important question, or to resist the adoption of the amendment proposed by the right hon. gentleman opposite. But, I confess, I cannot leave this question to be finally disposed of, without trespassing for a few minutes upon the patience of the House, that I may guard myself against the suspicion of having made myself a party to, what I fear may ultimately prove to be, a delusion—a delusion, however, unintentioned, I am persuaded, on the part of the right hon. gentleman; because, to do him justice, he has been, from the beginning, a warm advocate of every measure tending to the abolition of the African Slave-trade.

It is upon this ground alone—upon the knowledge of the line of conduct which has hitherto been pursued by the right hon. gentleman——that I build my confidence that it is not his intention, however it may be that of others, to delude the House by getting rid of the motion of my hon. friend. That motion is set aside as being too abstract; and yet in that of the right hon. gentleman, which it is proposed to substitute for it, I find nothing specific, nothing practical, pointed out. True it is, the resolutions moved by way of amendment emanate from ministers, and are to be communicated to the Crown. But this, let it be recollected, is no new course. It has before been pursued, over and over again, with little or no effect. The hon. member for Seaford (Mr. Ellis), in 1797, moved some excellent resolutions (very similar to the present), on which he grounded an address to the Crown for ameliorating the condition of the slaves in the West Indies. Again, in 1816, the West-Indians, in conjunction with the right hon. gentleman's predecessor, moved resolutions in the shape of an address to the Crown—an address in which both Houses of Parliament concurred—calling upon the Prince Regent, in the strongest terms, to recommend to the local authorities in the colonies to carry into effect every measure which might tend to promote the moral and religious improvement, as well as the comfort and happiness, of the negroes. A more unexceptionable and comprehensive declaration could not well have been made by the warmest friend to the mitigation and abolition of slavery. But twenty-six long years have now elapsed since the first address was presented, and seven since the second, and where are the benefits, the visible effects of these addresses, to be found? We are, in fact, not one step more advanced in the great work of improvement than we were before. No practical advantages have resulted from these addresses: and yet the last address in particular, that of 1816, was unanimously voted, and was carried by the joint recommendation of both Houses of Parliament, to the foot of the throne. It was also most graciously received, and a most gracious answer was returned, promising to carry the wishes of parliament into effect.

I am told, however—notwithstanding these facts staring us in the face—I am told, that my mistrust of the West-India legislatures is either totally misplaced, or at all events greatly exaggerated; and the hon. member for Bristol (Mr. Bright), as well as the hon. member for Sandwich (Mr. Marryatt), who went still more at large into the subject, have endeavoured to convince us that we are mistaken, and that the most satisfactory improvements have taken place. I wish I could take the same flattering view of slavery in the West Indies as the hon. gentleman. If I could, it would relieve my mind from the load which now oppresses it, believing, as I do, that the condition of the slaves in the West Indies is revolting to the feelings of human nature. My hon. friend, the member for Bristol, forgetting for an instant those habits so inherent in professional men, of distrusting the testimony of interested parties—forgetting that professional maxim, ever to be remembered, that "no man is to be trusted as a judge or a witness in his own cause"—I say, forgetting all this, he makes his appeal to the unbiassed authority of slave-masters—to the pure, unsuspected, disinterested testimony of the owners of the slaves themselves! He tells us, that the result of his many conversations with them, and of his laborious efforts to obtain information from them, is a conviction that the condition of the slaves is so greatly improved, that they are now perfectly contented, and happy! The hon. member for Sandwich then, in his turn, informs us that gentlemen who have gone out with opinions hostile to slavery have been so converted by a view of the comforts and delights of that state, nay, even as it exists in Honduras, perhaps the most detestable spot on the face of the globe, a swamp, where the forests are still uncleared—a place, in comparison of which, such places as Jamaica and Barbadoes might without exaggeration be termed a perfect paradise—yet these gentlemen, who went out thus biased in their opinions, the hon. member tells us, were so converted by what they saw, as to come to the conclusion, that the negroes endured no misery whatever, and that all we had heard of the wretched condition of West-India slaves were mere idle tales!

But there is one part of the speech of the hon. member for Bristol, to which I must for a moment address myself. I am told that I must not trust the book called "Negro Slavery," a work which certainly contains damning proof of the state of negro slavery in the West Indies. [Hear! from Mr. Bright.] The hon. member seems by his cheer to adhere to his former charge against that work; a charge which I cannot but feel as one of a grave character made against one of my oldest and most valued friends.—[Mr. Brougham here entered at some length into a vindication of the character and accuracy of the author, and then proceeded.]—And what is the charge made against him? It is one of a specific nature, and I will admit that general character is nothing against a specific charge. The charge then is, that the author of this pamphlet has garbled and misquoted Mr. Cooper. So says my hon. friend. But I will go a step beyond my hon. friend for a correct view of this point. I will go to the author of the statement; to Mr. Cooper himself; and the House will judge whether it is probable that Mr. Cooper's statement has been changed, garbled, or misquoted, when I tell them that Mr. Cooper himself corrected the sheets for the press, and that every syllable of the pamphlet which concerned him passed through his hands before publication, and received his express approbation. After this statement, will it not be wasting the time of the House to say one word more upon the subject? But another evidence in favour of the author is the still more valuable testimony of his accuser, my hon. friend himself. The hon. member has read two passages to the House, and has observed upon the difference to be found between them; but, after paying the most studious attention to the two passages so read, I confess I cannot discover the slightest difference between the one statement and the other.

Then, to return to the hon. member for Sandwich: he has made a triumphant appeal to the House with respect to the condition of the slaves in Dominica, and he has read the report of the governor of that island, wherein the slaves are represented to be most happy, and contented. Are things really so? Are the slaves in Dominica as happy as the hon. member would represent them to be in Honduras? The governor of Dominica says, indeed, that the slaves in general appear to be liberally treated and protected; but I am curious to know how soon after his arrival in Dominica this letter from governor Maxwell was written; and whether it was before or after his having been presented by the grand inquest of the island as a nuisance, for interfering to protect the slaves from cruelty. If written afterwards, it would only show how forgiving a character, what a good-natured creature, the governor must be. It must, however, have been written before. And why, let me ask, was he presented by the grand jury of the island as a nuisance? Was it because he impeached the rights of the owner to the services of the slave? Or was it for illegally interfering between master and slave? No, nothing of this kind. It was only for wishing to put in force the laws of the island in favour of some unhappy negroes who had been most barbarously ill-treated by their masters. For this it was that the grand jury found a presentment against the governor for a nuisance. In proportion to the weight of such a fact as this, uncontradicted, to deny which not even an attempt has been made, down goes my confidence in the local authorities of the West Indies; all my hopes resting upon the exertions of these authorities vanish into air. For what confidence can possibly be placed in the efforts or endeavours of those who have presented their governor as a nuisance, because he had made an attempt to put the laws in force against masters for their inhuman barbarity towards some poor helpless negroes? Down then, I say, goes all my confidence; down go all my hopes, my fond expectations, of the exertions, not only of these particular authorities, but of the legislative bodies in general, whose conduct has, on many occasions, been not a whit less strange.

In Jamaica too, I am told, all is perfect; and that the negro, who must be allowed to be the best judge of his own happiness, is perfectly contented with his lot—so well contented that he would not change it. But, unfortunately for this assertion, it appears, from consulting a single page of the Jamaica Gazettes, that it cannot be supported. It is curious enough to observe the broad and unequivocal contradiction given by these Gazettes to this grave statement of the Jamaica Assembly—for it thence appears, that many of the negroes have shown a most pointed desire to change their happy situation. In a single page of these Gazettes there are no less than fifty "Runa-ways"—persons quitting this enviable situation, not only with a certainty of many privations, but at the risk of all the severe penalties which attach to their crime. But let us look to one of the advertisements: "For sale: 140 head of horned cattle"—I beg pardon of the House; that is not the paragraph I allude to. It is the next column which contains the long list of "Runaways."—"Cecilia, a young Creole Negro woman." It has been said that young women are never known to be punished in these realms of negro bliss, where they are so much better off than in their own country, that they ought to bless their stars that they have been taken from it. Such is the kind of language to which our ears have been accustomed on the subject of negro slavery, from the beginning of this controversy to the present day; but it proves a great deal too much, and consequently proves nothing. But facts must always bear down such arguments; and the very papers I have in my hand, while they describe the persons of the fugitives, distinguishing them by their various marks and brands—the badges of the sufferings and the degradations to which these unhappy beings have been exposed—speak volumes on the subject. But to proceed: "Cecilia, a young Creole woman, five feet high, marked (branded!) S. M. and W. S. on top, on right shoulder, belonging to the estate of John Stevens." Then here is another, who "says he is free, but has no documents to prove his freedom." Then come several others, described by various maims, and marks on different parts of their bodies. Many have "lost several of their front teeth;" others are described as being marked with letters in a diamond on the shoulders and breasts, and having sores on the arms or legs, and scars on their faces or shoulders, with marks of flogging on their backs. And so they go through all the sores, and marks, and brands, and scars, and traces of the cart-whip, which distinguish these happy individuals, who, though we are told they are so contented, are yet, somehow or other, so insensible to their own bliss, that they will run away from their kind-hearted, humane masters, by whom we have been told, too, that the whip is now in nearly total disuse!

I cannot but express my great astonishment that the right hon. gentleman should have compared the negro slaves in the West Indies with the Roman domestic slaves, and with other slaves of antiquity. And I am the more surprised, when I reflect on the classical taste and knowledge for which the right hon. gentleman is so remarkable. There are certainly some points in which the condition of the West-India slaves resemble those of antiquity; but, speaking generally, the two states do not admit of a comparison. Will any man say, that in a country where the land was tilled by freemen, as among the ancients, it was possible the same habitual cruelty and severity of exaction could prevail, as in those colonies where men are compelled by the whip, by mere brute force, to cultivate the soil, and where habitual dread of the lash stands engraven on the very front of the system as the sole motive to exertion? Not that I mean to assert that the whip is always used, any more than the whip of a waggoner is always in use; but what I assert is, that the slaves on plantations are worked by placing the men and the women, of various degrees of strength and capacity, in a line, in which they are compelled to toil by the imminent fear of the lash being applied to their backs; and it is applied, as often as their laxity of exertion may seem to render it necessary. Such a system, I say, converts a man into a brute animal. All the noble feelings and energies of our nature, and almost all traces of humanity, are eradicated by this base practice, by which the man is made to work, and act, and move at the will of another, and is thus of necessity reduced to the level of a brute: it is a practice which makes its appeal, not to the qualities which distinguish him from the beasts of the field, but to those which he shares in common with them.

It is said, that efforts have been made to ameliorate the condition of the slave, by giving him religious instruction; and that since this question was last discussed in this House those efforts have been increased. If this be so, it shows at least the benefit of such discussions, since it is now admitted even by those who then so loudly cried out against them. We were then run down by clamour; we were accused of doing that which would raise a revolt through the whole of the West-Indian Archipelago; and we were loudly and vehemently charged with aiming a deadly blow at the interests both of the black and the white population in the West Indies. There was, it was said, no occasion whatever for our interference; the negroes had kind masters, tender drivers, a zealous clergy, amiable governors, and wise legislators, to superintend, control, and co-operate in works of humanity. But, notwithstanding all we then heard of this machinery of mercy, by our interference with which we might do mischief and could possibly do no good, it now appears that the effect of our discussions has been, that religious instruction has been much more widely spread, and that it is still spreading through the colonies. I am happy indeed to find the prediction of evil so completely falsified.

I observe that there is on the table a paper, and that not the least important on this interesting subject, which has not been referred to by the hon. member for Sandwich. I allude to the letter of a worthy curate, which enters into some details with respect to the religious instruction of the slaves. This worthy person states, with great simplicity, that he had been between twenty and thirty years among the negroes, and that no single instance of conversion to Christianity had taken place during that time—all his efforts to gain new proselytes among the negroes had been in vain. All of a sudden, however, light had broken in upon their darkness so rapidly, that between 5,000 and 6,000 negroes had been baptized in a few days! I confess I was at first much surprised at this statement: I knew not how to comprehend it; but all of a sudden light broke in upon *my* darkness also. I found that there was a clue to this most surprising story; and that these wonderful conversions were brought about, not by a miracle, as the good man seems himself to have really imagined, and would almost make us believe, but by a premium of a dollar a head paid to this worthy curate for each slave whom he baptized! I understood, too, that the whole amount of the previous religious instruction which each negro received, was neither more nor less than attending, on one occasion, at the church where the curate presided. Such was the mode of propagating religion which seems to have afforded so much satisfaction, and to have given so much cause for triumph. If any person thinks that any real practical good can result from such an administration of religious instruction and of Christian baptism, let him enjoy his hopes: I cannot agree with him.

What then has been done, let me ask, since the abolition of the Slave-trade, to improve the condition of the slave? I think I now hear my lamented friend, sir Samuel Romilly, ask that question, as he once did with so much effect. I never shall forget the impression he produced upon those who, like myself, for ten long years had been indulging in a fond, but vain hope, that the abolition of the Slave-trade was all that was wanted for bettering the condition of the slaves. We have now unhappily survived him between four and five years, and with how much more force might we now put the same question? It was indeed long our hope, that if we did but abolish the Slave-trade, through the gradual progress of improvement, slavery itself would soon be extinguished. I myself gave into the delusion. I said, with others, "Leave measures of internal regulation to the colonial legislatures: only abolish the Slave-trade: it will then be the interest of the master to treat his slaves well, and under the influence of that feeling the condition of the slave must rapidly improve."

How bitterly have we been disappointed in these fond expectations! I beg, however, not to be understood as casting any particular blame on the owners of estates for this failure, for they have perhaps little in their power. We ought to be aware, that the state of landed property in the West-Indies is not in the least analogous to the state of landed property in England, although it has often been erroneously compared to it. The owners of West-Indian estates usually reside in this country, and can have but a feeble control over the course of proceedings in the colonies. And though some of them, it is true, may have got their estates by inheritance, yet this is not the case with a great majority; they have obtained them by purchases on speculation, or by debt, having advanced money on mortgage and with a view to consignments. In short, landed property in the West Indies partakes much more of the nature of a hazardous commercial speculation, than of that stable enjoyment of territorial property which characterizes the British landholder. Men in these circumstances, it is obvious, have no permanent interest in the soil. Their object is, to make the most they can in the shortest time; and therefore they will not be deterred by considerations of humanity for the slaves from extracting, during their temporary possession, by means of the uncontrolled power they possess over those wretched beings, the utmost benefit which the estate is capable of yielding.

But even if the owners acted with the best intentions—and many of them I believe do—they are absent, and know nothing of what is actually going on upon their estates. It is an individual who has no real interest in the estate, who is placed as their agent on the spot to superintend the whole concern. Some owners of estates may be very honest, honourable, humane men, who would not work their slaves too much; but what security have we that this will be the case with all, or that many may not even think it their interest to act otherwise? Indeed, I am persuaded that it is not so plainly the pecuniary interest of the slave-owner in all cases to be humane, as some have imagined. The West-India purchaser of an estate may consider himself engaged in a gambling concern, and may hope in a few years to scourge a handsome profit out of the unhappy beings committed to his charge; and he may even flatter himself, that he will clear a greater profit in this way than he would have done had he pursued a different course. His object is to get a great return in a short time; and although, in a long series of years it might be against his interest to over-work his slaves, yet, his object being a rapid return for his capital, he cannot wait the slow progress of improvement in order to attain it. It is very well known, and the simile is far from being a new one, that some post-masters use their horses exactly upon this principle. They might keep their horses longer alive, by making them do less work and by giving them better treatment; but they prefer making them do more work, though it may wear them down sooner, upon a mere calculation of profit and loss. Far be it from me to charge such a sordid calculation as this upon the West-India planters; but what I say is, that the identity of their interests and those of humanity ought not to be so much relied upon: you cannot trust to the former alone in the treatment of the slave, because I have shewn, that views of interest may be supposed to require treatment, in certain circumstances, wholly different from that which would be dictated by the principles of humanity.

Such being my view of the situation in which master and slave stand to each other, I confess I look with the greatest distrust, with the slenderest possible hope, to any real and solid advantage to be derived from the resolutions moved by the right hon. gentleman, and which refer the matter to the colonial assemblies. Let the House remember, that we have done the same thing twice before; the effect produced by it has been very small indeed; and I greatly fear that we shall only meet with further disappointment if we again resort to the same expedient. Those legislatures may pretend to meet fully the wishes of parliament, and yet may do nothing effectual; and, after five years more have elapsed without any progress having been made, we shall be again called upon, either by events which have happened in the West Indies, or by our own consciences at home, to look into the question in good earnest, when it will brook no further delays; and then we shall have the painful reflection, that if we had acted boldly in the first instance, five years of misery would have been saved to these unhappy beings.

How comes it to pass, I would ask, that no steps have yet been taken towards the amelioration of the condition of the slaves? For how many years has it, for example, been proposed to attach the slave to the soil? The question, I know, has been discussed; but why has no progress been made in consequence of that discussion? It has been said, that there are many difficulties to encounter. Doubtless there are. It would be hard upon the slave, it is argued, to be kept upon a barren soil, an exhausted plantation; but it seems to have been forgotten, that the very exhaustion of the soil, unfitting it for sugar culture, is in the negro's favour. But how comes it, that in the West Indies the richest soils in the world thus undergo exhaustion, while in other countries the poorest soils are subject to no such process, and do not, under ordinary cultivation, deteriorate, but improve? Is it not that a just curse seems, in the dispensation of Providence, to attend the cruel and bloodthirsty method of culture by slaves?—else why would not culture keep the land in the West Indies in the same heart in which the land in the East Indies or in Europe is kept?

But are we to say, that the slaves shall not be attached to the soil, merely because some possible inconveniences may, in supposable cases, be pointed out as the result? Certainly not. If the argument urged on the score of the poverty of the soil in certain situations were valid, the same might have been said of England, when *villenage in gross* was converted into *villenage regardant*; and copyholders would then have had no existence: there would have been no such thing as a freeman in the land, because, forsooth, a gust of wind might have blown a part of Norfolk into the sea, and then it might have been said, how can subsistence be drawn from the sands of Norfolk: we must retain the power of transferring the villein to richer lands elsewhere. If this sort of argument had been allowed to weigh in former times, we should have been all of us at the present moment *villeins in gross.* I have never heard it said that there is one single plantation in the West Indies so barren that provisions will not grow upon it sufficient for the maintenance of the slaves belonging to it. But I would make a broader and more general answer to the objection, and I would say, that we are bound to act upon the mass of cases, and that one exception is no argument against the general principle.

I cannot close these observations, which I have deemed it incumbent upon me to make to the House, without stating my decided opinion, that we ought not to resist the amendment of the right hon. secretary; because it is at least a step in advance towards emancipation, although I confess I entertain but few hopes of its leading to any sound practical result. It may, however, be ultimately a ground for a stronger expression of the opinion of the House; and I sincerely trust, my hon. friend will in no long time propose to the House some more specific resolution with respect to the freedom of children born after a certain period. Holding that liberty to the slaves in the West Indies must come sooner or later; and being convinced, that, if they are not now ripe for actual emancipation, at least we are arrived at the time when it will be safe to legislate with a view to that consummation; it seems to me to be now the imperative duty of the legislature to pass some act with respect to the freedom of unborn children. We shall be wanting in our duty to that part of our fellow-subjects, if we do not immediately announce our intention of taking up that part of the subject. Difficulties, doubtless, will be to be encountered—difficulties there are in every change—but are they insurmountable? I trust that no man will be stopped by them, who does not wish to be impeded.

Sir, we hear of the risk of insurrection; we have heard of it in every stage of the discussion: from the first moment this question was brought under the consideration of the House, to the present instant, the cry has never been out of the mouths of those who oppose all change. But yet our discussions, although declared to be so injurious in theory, have never produced the slightest practical injury. Even the insurrection in Barbadoes, it might easily be shown, had no connection, as was alleged, with the discussions on the Registry bill, but sprung from causes perfectly distinct. This is a sufficient answer to all such chimerical apprehensions. Parliament has certainly not shown any desire to interfere between master and slave; but if steps are not taken by the master to convert his present tenure into one of a more restricted nature, parliament is bound to interfere, by the right which it holds of legislating for all his majesty's subjects. This right, sacred and unalienable, is inherent in the British legislature, and has never been abandoned, excepting as it regards taxation.

Sir, I beg pardon of the House for having troubled it by going at greater length into the subject than I at first intended, but I thought there was a chance of some mistake arising as to the grounds on which we accede to the resolutions now proposed by the right hon. gentleman; and I wish more particularly to guard against being understood as expressing any great hopes of benefit from the present measure, which is little more than a repetition of the former addresses of Parliament to the Crown, and the former references of the Crown to the colonial assemblies, followed by an entire disappointment of every expectation that had been indulged. With these recollections deeply impressed upon my mind, let it not be supposed that I can indulge a sanguine hope of any beneficial practical results from these resolutions.

Mr. *Bernal* said:—I had thought, Sir, at the commencement of this debate, that to all appearance, we were advancing towards the point of conciliation, and that every subject of irritation would this night have been avoided. But, I would ask, whether the topics my hon. and learned friend below me has advanced, are calculated to lead to the results which I believe he has sincerely at heart? The hon. member for Bristol (Mr. Bright), acted not, I think, with that discretion which he usually displays, in bringing forward, and creating a discussion with respect to the contents of certain pamphlets which he read in part to the House; but I must say, that the hon. and learned member should not, on such account, have opened the attack which he has just made, and that he should have abstained from indulging in such declamation. I would appeal to the House, whether the hon. and learned member (although he has truly pointed out the manifest distinction which exists between the situations of the owner of an estate in the West Indies, and the landed proprietor in England) has not invidiously made an attack upon the West-India proprietors in general; and particularly when he instituted that comparison between the masters of slaves and the owners of post-horses. I would ask my hon. and learned friend, if he can, upon reflection, consider that this was a sally of declamation he ought to have indulged in, if he sincerely wished to prevent irritation?

My hon. and learned friend has asked, what has been done in the way of amelioration or improvement, since the abolition of the slave trade? I am unwilling, at this late hour of the night, to trouble the House by going through a long detail of facts, running over a period of so many years; but I would tell him, that I know much, very much, has been done since the abolition, and particularly in the island of Jamaica. I would ask him, whether he does not remember, that the Consolidated Slave Code, containing upwards of an hundred clauses, underwent, in 1817, a complete revision in the legislature of Jamaica? If my hon. and learned friend should answer, "I know of no laws having been enacted," I can only reply by directly asserting what I have been informed and believe to be the fact, though that assertion may, of course, again be met by replication. If the hon. and learned gentleman should say, that the West-India colonies have not made any new laws, such a statement, I am assured by those who are well informed on the subject, may be met by a complete denial. My hon. and learned friend, not perhaps in the most fair or candid manner, has referred to some advertisements relating to run-away negroes in the Jamaica Gazettes, and which he has read as it were to excite the attention of the House. Was it, I ask, worthy of the serious cause he advocates? was it worthy of his reputation and talents, upon a question of this vital importance, to aim at directing the attention of the House to these points, and to call down the ridicule, the contempt, the disgust of hon. members, by stating, from these public news-papers, that a young negro girl was branded upon the top of her right shoulder, and other circumstances of the like nature; and from thence to maintain, that negroes were sold in the market like so many horned cattle. My hon. and learned friend has been pleased to comment upon the control to which the negro population is subjected. But, is it our fault as West-India proprietors? Have not the successive governments of the mother country sanctioned it? I would ask my hon. and learned friend, whether he thinks it just or candid to call in the aid of ridicule, by introducing topics which can have no other effect than to cast an unmerited share of odium upon the unfortunate West-India planters, and to excite strong feelings of irritation. Amongst a black and coloured slave population, consisting of nearly 340,000 beings (as I believe may now be the case in Jamaica), there always must be found a number of run-away slaves. The fact cannot be for a moment doubted.

Without detaining the House at any length, I would beg to call its attention, and also that of my hon. and learned friend, to a well-digested Report made in 1816, and drawn up with great labour and talent, by a committee of the House of Assembly of Jamaica. By consulting that excellent Report, it will be found that very few impediments, if any, are thrown in the way of the negro's obtaining justice, who asserts his right or title to freedom, should the same be contested; and it will appear, by a few minutes' inspection of this Report, that the laws do not leave the negro so destitute of protection as may be commonly supposed. A negro asserting his right to freedom, in the island of Jamaica, may bring an action in a court of justice to try and enforce such right; and should he fail therein, he may institute other proceedings for such purpose. Appeals are also allowed to the negroes, under the laws of Jamaica; and until the appeal be heard and determined, the negro has a right to enjoy his liberty. In this able Report will be found the evidence of the attorney-general of Jamaica, who deposed to the fact that many actions of trespass have been entertained on the part of negroes or coloured persons, for the purpose of asserting their right of freedom, and who by these means recovered, against those opposing such claims, damages to the amount of 250*l.* in some cases. In almost every case where an action of trespass has been brought, or a writ *de homine replegiando* has been sued out, the plaintiffs claiming their rights, have obtained redress.

My hon. and learned friend has also asked, "Why will not the House of Assembly of Jamaica pass a law to attach the negro to the soil?" At this advanced time of the night, it would be unwise for me to enter into a detail of the whole of the reasons which I have understood have actuated that Assembly in not proceeding to frame such an enactment. But my hon. and learned friend, I must say, has made the most unfair comparison between the system of culture pursued with respect to the soil of a northern climate like England, and that followed upon the plantations in a tropical country like the West Indies. The vegetable provisions of the negro, which have been alluded to, are raised upon a soil far different from that on which the sugar cane is grown. They are cultivated upon two distinct soils; and I would remind my hon. and learned friend, if he has looked at the Report to which I have before alluded, that it is particularly mentioned therein, that a fair proportion of estates in Jamaica are coffee plantations. The hon. and learned gentleman does not seem to be aware, in considering the question of attaching the negro to the soil, that the frequent hurricanes which occur in the West Indies, in time, often wash or force away the soil, and particularly upon coffee properties, and that in such cases the plantations are oftentimes afterwards, not worth keeping up. The unfortunate beings then left on the estates, if legally and absolutely attached to the soil, would be compelled to remain, at the risk of starvation. When, therefore, my hon. and learned friend asks why this is not done—why the negro is not absolutely attached to the soil—I reply, that if I had time, and it were not for the danger of exhausting the patience of the House, I could give him most full and satisfactory reasons to prove that the Assembly of Jamaica have been justified in pausing before they adopted such a plan.

I am very willing to allow to my hon. and learned friend, that there are certainly evils of serious magnitude inherent in the state of slavery in the West Indies; but I would firmly contend (and I think every reasonable man who has thought on the subject, must be willing to allow), that as the West-India colonists have not been placed in the situation in which they now stand, without the direct and solemn authority of the legislature of the mother country, and the most express encouragement on the part of the British government; it is only their due, it would only be an act of mere and positive justice towards them, if the legislature should now think proper to take their property into its own hands, and to submit it to a system of management essentially different from that which it has hitherto received; that the legislature of Great Britain should, at the same time, grant to the West-India planters the most liberal, the most full, and the most satisfactory compensation. Whatever weight the argument of the hon. member for Weymouth may have had with the House, I still contend, that the slave is the property of his master; and, I say again, that the legislature of this country is bound to give to the planter, the fullest and most adequate remuneration for any deprivation of, or change in, his right of property, and the most complete indemnity against any dangers which may result from its interference therewith.

Mr. *Baring* said:—Having, Sir, been alluded to by my hon. friend who opened the debate, I cannot avoid stating to the House how strongly I feel the necessity of something being done, and something considerable, on the present question. I feel that it is one of the greatest possible importance and delicacy; but I fear that hon. gentlemen around me, whose feelings I respect, have been led away by the ardour and fervency of those feelings to exaggerate the real facts, and to underrate the many difficulties and dangers which must accompany any alteration in the present system. I am anxious to state my own ideas as to the extent of these difficulties; and, undoubtedly, if there really exist such a state of things, a case of that extreme atrocity which has been represented to the public, every possible risk ought to be encountered to get the better of the system which produced it. I confess it does not surprise me, that those who believe in the existence of these barbarities should wish that no time should be lost in remedying such an evil. My own opinion, however, is, that, as far as the physical sufferings of the negro go, they have been much over-stated; and I may even cite my own observations on the subject to prove the fact. I am not myself a West-India proprietor, but I have seen cultivation carried on by slaves in some of the American States, in Georgia and Carolina; and I must say, that, from all I saw there, and from every information I have received from our own colonies, I do not believe, on looking about the world and considering the general lot of mankind, that, if I was called upon to say what part of the globe most particularly excited my sympathy and commiseration, I should fix upon the negroes of the West Indies, as far as regards their food and clothing, and the whole of their treatment.

I must say, that when my hon. and learned friend, in a speech of much energy and eloquence, sets aside the testimony of all those colonial governors (which was detailed to the House by the hon. member for Sandwich), and takes up the opinions, published in the form of pamphlets, of honest but enthusiastic men, who are much more likely to be misled as to facts than those public functionaries in their official reports, I confess I cannot fully approve of such a mode of arguing the question. I should say, in opposition to these feelings, and to those of my hon. friend the member for Bramber, that unless he himself had been in the colonies, and had been an eye-witness to the scenes he has described, I would rather take the reports of those governors, men of education, having no interest in the colonies, than the opinions of these individuals, who are not very likely to be sparing in their descriptions of the cruelties and atrocities committed in the West Indies, well knowing that such glowing and exaggerated accounts, where solitary instances of oppression, instead of being the exception, are converted into the rule, would not be unacceptable to those to whom they communicated their statements. My own opinion is, that the condition of the slaves is undoubtedly, in many respects, superior to that of most of the European peasantry. They are well clothed, well fed, and, I believe, generally treated with justice and kindness.

But the circumstance which weighs the heaviest on my mind, is the moral condition of the slaves, and the almost impossibility of their deriving, in their present situation, any religious or moral instruction from those who are placed over them, and who cannot boast of the best morals themselves. There is something altogether so painful in their situation in this respect, that I am induced to wish that something could be done to ameliorate their moral condition; nor can I see any danger which could possibly arise from a prudent plan of religious instruction, by which they might be raised in the scale of being.

As to the objection taken by my hon. and learned friend to the statement with reference to the insurrection at Barbadoes, I believe it to have been correctly stated, that the insurrection was owing to the report spread in the colony of what was doing at home, and to the consequences which the negroes anticipated from it. It was, I think, the statement of the governor, sir James Leith, that the insurrection was owing entirely to that circumstance. Indeed, it is impossible to consider the state in which men in that country exist, without supposing an extreme liability to excitement among them. The same excitement might, and probably would, be produced at home by similar means. Supposing a question were argued in the House of Commons on the subject of a division of the property of the rich among the poorer people of this country, and there were among us men enthusiastic enough to maintain the justice of this division, and to argue how impious it was that one portion of the population should live upon coarse food, and drink nothing but water, while another portion should feast on venison and champaigne, and indulge in all the luxuries and delicacies of life;—supposing, I say, these opinions were to spread (and I really think a great deal of good argument might be stated in their favour upon the score of christianity), and discussions on some future occasions were to arise in this House; I would ask, whether they could possibly take place without producing considerable irritation even in this country, accustomed as we are to free discussion? We do not want, therefore, these governors of the West Indies to tell us what dangers would result from such a course of proceeding. It is quite sufficient for us to know human nature, to be sensible that the danger is extreme, and that the discussion ought, therefore, to be entered upon with the greatest possible caution.

The hon. gentleman who opened this debate has given us some instances where slavery has been entirely got rid of without the slightest danger resulting, from the application of the necessary remedies for curing the evil; and the states of Pennsylvania, of New York, and of New Jersey, have been quoted for this purpose. The hon. gentleman seemed as if he could not express himself in terms of sufficient delight and rapture; it was beautiful to observe, he said, how gradually the whole mass of slavery sunk, and, as it were, melted away without disorder, or the slightest interference on the part of the legislature being required to prevent the dangers which might have been anticipated. But he has cited these cases to the House without possessing a sufficient knowledge of the real facts. In New York there was a white population of one million, while the whole black population did not amount to more than 5,000. Is this, then, an analogous case? The same is the case precisely with the state of New Jersey: there the whole amount of the black population was not more than 10,000. In Pennsylvania, the number was still less. That judicious people, the Quakers, resident in Pennsylvania, began very early to abolish the system of slavery, and the amount of them was comparatively nothing. These are, therefore, all the cases which have been mentioned by the hon. gentleman with respect to North America. Not one of them is in point, to prove that no danger exists from the proposed alterations.

I should say, that with respect to the other case, of Colombia, although it is undoubtedly more in point, yet that it is still not to be compared with our colonies in the West Indies. In the case of Colombia, there was, I think, a population of 3,000,000, out of which 800,000 were blacks; so that the whites at least were more than enough to keep the negroes in awe of them. The case stated of the island of Ceylon is not in the least analogous to the present, because that is a case where the inhabitants of the country itself were in a state of vassalage and personal servitude, and where they were released from their bonds by measures instituted by a strong military government on the spot. Are then, I would ask, any of these cases to be compared with a colony in the West Indies, where there is no mass of property represented by persons on the spot, where there is no physical superiority to counteract the effect of any insurrection which may arise in the colony, the slaves outnumbering the whites by at least ten to one?

With respect to the different remedies suggested by the hon. gentleman who commenced this debate; so far as they have been acceded to by the right hon. gentleman, they very much meet my own view of the subject; but certainly the question of the actual emancipation of the slaves is one which appears to me to be attended with the greatest difficulties. The suggestion of my hon. friend is, that children, born after a certain period, should be free. At first sight, I confess it to be a very natural proposition, and one most accordant to our feelings; but it seems to have been forgotten, that there is this question yet to be answered, and as it appears to me it will be difficult to meet it with a satisfactory reply. If these children are born free, who is to take care of them? It has been said, that they may be apprenticed for a certain number of years, but this, I think, will be impracticable, for it will not be worth the while of the planter to bring up these children—we will say from the age of twelve to nineteen—well knowing that at the end of that period they will be at liberty to leave him, and go whither they please. I have very strangely miscalculated, if such a scheme can be carried into execution: it is in fact wholly impracticable. It is admitted, I think on all hands, that one of the greatest advantages of the abolition of the slave-trade is, that it tends to an improvement both in the condition and in the treatment of the negro females and children; that it gives an interest to the master in rearing the children, and in taking proper care of the mother while she is breeding. But if you do away with the interest of the proprietor in the offspring, which undoubtedly would be the effect of the proposition of my hon. friend, all this beneficial result of the abolition of the slave-trade immediately ceases. It is a fact too evident to be for a moment disputed, that, if this plan be adopted, the proprietor has at least not the same reason as before, for taking care either of the mother or of the offspring.

I am satisfied, however, that the matter is in the best possible hands to which it could be entrusted; and I will only say, that if any measures are taken for abolishing slavery, either directly or circuitously, they must have the effect of endangering the peace and tranquillity of our colonies. If we were to arrive at a free black population, the inevitable consequence would be, that the whole of the islands would be lost to this country; there would be an end to our colonial system. It would be absurd to suppose that a free black population, so enlightened and cultivated as to value their rights, and duly to appreciate their strength; that a population so instructed and so civilized, would consent to continue to devote their labours to proprietors, the greater portion of whom are resident in England. It is impossible for a moment to suppose such a state of things to exist; or that this country can possibly retain any interest whatever in colonies of this description. The instant such a state of society as I have described is established, we must bid adieu to our colonial system. The colonies would be of no further value to Great Britain.

With regard to the question of compensation, I think that my hon. friend, the member for Bramber, has not acted with his usual candour and liberality, in not having mentioned one word on the subject to those persons who are so deeply interested in this question. It is quite evident, that, in whatever way you proceed, you must vitally affect pecuniary interests. For instance; if you say that children shall be free after a certain period, you convert permanent property into a life estate; you totally alter the nature of that property. When it is considered with what extreme delicacy we touch property in this country, it never can be tolerated for an instant, that a measure so vitally affecting the interests of the West-India proprietors should be unaccompanied by compensation, which would be the greatest possible injustice. When I recollect too—and let it not be forgotten by the House—the strong and able argument raised by my hon. friend, the member for Weymouth, who introduced this question to the consideration of the House, on the subject of the brewers, to prove to us, that if the measure then before the House (a measure which I, for one, deemed a most important and salutary one) should pass into a law, the vested interests (as my hon. friend termed them) of the brewers would be destroyed, and their property greatly injured—all these interests and this property would be sacrificed, if the beer trade were to be thrown open to the public. Now I cannot forbear contrasting these former sentiments of my hon. friend with his present proceedings in this House. I should be sorry to take an unfair advantage of any argument used by my hon. friend, but I must say, conscientiously, that if there were a measure which I thought more than another could contribute to the health and secure the comfort of the poorer classes, it would be that which my hon. friend so strongly, and with so much ingenuity, opposed, on no other ground than that one class of men would be probably injured, and deprived of a monopoly which I feel satisfied the law never intended to be allowed to them. But of all the cases which have come under the consideration of the House, I think none could call more loudly for compensation, upon every principle of justice, than the one now under discussion. Those who have their interests so intimately involved in this question, have a right to call upon parliament to consider their claim before any material alteration is attempted. I only hope that the subject, so properly left to the care of government, will be treated with the delicacy it deserves.

I must observe, before I sit down, that I trust his majesty's ministers will not be unduly influenced by the petitions on the table, which have, in fact, been got up by a few persons in the metropolis. I know no question upon which petitions have been procured with more trick and management than on the present; or where they have come so notoriously from persons having no means whatever of exercising a judgment upon the question. It is, in fact, considered one more of conscience than of judgment; and persons, according to the fashion of the day, think to quiet their consciences for the year, either by subscribing their money to one of the missionary societies, or their names to one of these petitions against negro slavery in the West Indies. I am, however, happy to see that such a feeling prevails in this country, and that there are people who are capable of being so actuated by such considerations; it is highly honourable to the national character; but I hope it will not have the effect of setting the machinery of government at work injuriously to the interests either of the public or of individuals. It is the same feeling which put the politics of Europe into an unusual state of ferment, and set the congresses of Vienna and Verona at work; and which every year brings upon the table of the House whole loads of humbug about the slave trade. It seems to me as if these negotiations were kept up merely to gratify the feelings of this country; to show to the people of England how much the great potentates of Europe have the abolition of the slave-trade at their hearts. Austria and Russia, who have, God knows, slaves enough in their own territories to practise emancipation upon, are repeating every year their assurances to the good people of England of their anxiety for the abolition of negro slavery; and, somehow or other, our minister, who attends at these meetings of the European monarchs, is fortunate enough to bring home with him great masses of papers, to prove that these humane and kindhearted emperors take a most lively interest in the question. Undoubtedly I do most sincerely wish well to the efforts of his majesty's government on the present occasion; and I feel great satisfaction that the task has been undertaken by them; and, from the speech of the right hon. secretary, I feel great confidence that the resolutions proposed by him will be acted upon, not only sincerely, but with that judgment and discretion, with that caution and justice and delicacy, which such great and important interests deserve.

Lord *Althorp* said:—I am anxious to address one or two observations to the House upon this important question. I certainly think that the planters of the West Indies have a fair claim upon this House for compensation in the event of the adoption of the plans proposed by the hon. mover. With reference to what has fallen from my hon. friend who spoke last, relative to the cultivation of the colonies by free labour, I differ from him, in supposing that the conversion of the slaves into freemen would be such an immense loss to this country. I, however, look at this subject with a view chiefly to the interests of the negroes. My hon. friend has ridiculed the petitions which have been presented in such a mass for the abolition of slavery in the West Indies. Undoubtedly there have been a great number of petitions presented. The feeling of the country seems to be pretty nearly unanimous upon the subject; and I would ask my hon. friend, if he really thinks that the slave-trade itself would have been abolished, if it had not been for the same general expression of the sentiments of the people of this country? It cannot be for a moment disputed, that it was the general feeling of the nation, the general abhorrence of the inhumanity and barbarity of the practice of dealing in human flesh, which produced its abolition.—I wish, however, the emancipation of the slaves to proceed very gradually; because I feel apprehensive, that, if the greatest caution is not used in the application of the remedies, evils of an alarming nature may be the result. With respect, therefore, to the discretion to be exercised by this government in the steps to be taken, I entirely agree with my hon. friend. But on the other hand, when I reflect on the moral degradation to which these unhappy beings are reduced; and when I consider how inconsistent it is with their comfort and their happiness, and how contrary to every principle of justice and humanity, that they should be suffered to remain in that state, when this government has it in its power to ameliorate their condition; the sooner emancipation can be brought about, the more satisfaction shall I feel at its accomplishment.—It has been stated several times this evening, that the condition of the negro in the West Indies is in many respects preferable to that of our labourers in this country; and my hon. friend who spoke last, asserted, that the physical sufferings of the negro have been greatly overrated. The hon. member for Sandwich, too, has stated broadly, and has quoted various documents to prove it, that the slave is perfectly contented and happy. If we look only to the clothing and food allowed to these unfortunate beings, it is enough to convince any reasonable man, without further investigation, of the necessity of an alteration in the present system; and it is idle to the last degree to talk of the happiness and comfort enjoyed by them. But it is said, that some of these happy slaves are so conscious of their bliss, that they have even refused to take advantage of an offer of their liberty, and have preferred to live and die in slavery. If the object were to prove the low state to which, as moral creatures, these beings have been reduced, nothing could be stronger than this single statement. Good God! can it be imagined for a moment, that a man, possessing the least particle of the sympathies and affections of his species, should prefer to doom himself without remorse to slavery for life; that he should doom his children after him, from generation to generation, to be born to live and die in the bonds of slavery; that he should doom for ever his sons to the lash of the slave-driver, and expose his daughters to the will and power of a cruel task-master, who might at pleasure subject them to his wanton lust? If any thing, I say, can raise feelings of indignation and horror in the breast, it must be the knowledge of such a fact as this. But what must be the feelings of a a free-born Englishman, enjoying the glorious blessings of freedom, on hearing such a statement as this? The coldest heart could not but be keenly affected by it; and even those who are most interested in the question must sympathize with the general feeling of the country.—I will not trouble the House by going further into this question, but I must express my gratitude to my hon. friend for bringing the subject under the consideration of the House. If nothing more has been done, at least it has had the effect of producing the resolutions of the right hon. secretary, which, I hope, may be considered as one step towards the total emancipation of the negroes in the West Indies.

Mr. *Fowell Buxton* replied as follows:—I had made up my mind, Sir, not to trouble the House with a single observation in reply. I had already trespassed long on your attention; and I was abundantly contented to rest the defence of the statements with which I opened the business, on the powerful speeches of my hon. friends. In this determination I should have persevered, had it not been for the speech of the hon. gentleman who spoke last but one (Mr. Baring). That gentleman has charged me with inconsistency—he has accused me of using one sort of language on this question, and another upon subjects where my own interests are concerned. He tells us, that I was sufficiently mindful of the rights of private property, when that property was my own; but that I never even whispered a syllable about compensation to the West-India planter. Now, I appeal to the House, whether there is justice in the charge. I ask those who listened to my statements, whether I did not clearly and explicitly declare my opinion, that the question of compensation to the planter was one that merited attention. I appeal to the hon. gentleman himself, whether the language I used was not to this effect:—Slavery is an injustice, but it is an injustice sanctioned by our law; the crime is ours, and ours must be the expense of getting rid of it. The hon. gentleman is, then, in error, when he says I never alluded to compensation. But what if I had not? Is there no difference between a vested interest in a house or a tenement, and a vested interest in a human being? No difference between a right to bricks and mortar, and a right to the flesh of man—a right to torture his body and to degrade his mind at your good will and pleasure? There is this difference—the right to the house originates in law, and is reconcilable to justice; the claim (for I will not call it a right) to the man, originated in robbery, and is an outrage upon every principle of justice and every tenet of religion.

The right hon. secretary complains of my language in having referred to the slave-trade. "Why," he asks, "do you recall the horrors of that odious and abolished practice?" For this plain reason, that your title to a slave is founded on that practice. By the slave-trade you obtained him. Upon that practice, now reprobated, and now by us abolished, your claim is founded. Every reproach uttered against slave-trading impeaches your title to the slave. You say the man is your property. I ask, in reply, how did you obtain that property? And you are driven to the necessity of acknowledging that it was gained by the blackest of crimes—by that act which you now punish as a felony; by that act which the British parliament stigmatized as "contrary to the principles of justice, humanity, and sound policy;" by that act which even the assembled monarchs of Europe (not suspected of too ardent a love of liberty) describe as "desolating Africa, degrading Europe, and afflicting humanity," and as "repugnant to the principles of humanity and universal morality."

There is one point in the speech of the hon. member for Sandwich, upon which, as I have risen, I must make a few observations—because it is really the most matchless exemplification of forgetfulness, the most memorable instance I ever met with of a treacherous memory. The hon. gentleman quoted to us from the papers during the last twenty years printed by this House every sentence and expression which could be construed into a defence of slavery, or an approval of the condition of slaves. One could hardly sufficiently admire the degree of industry which prompted him to search out, or the force of memory which enabled him to repeat, every passage in this voluminous correspondence which favours his view of the subject. Amongst other papers, he refers to the correspondence of colonel Arthur. In 1816, colonel Arthur declares that he came to the West Indies, three years preceding, a perfect Wilberforce as to slavery; but that experience had changed his views, and that he could hardly find terms to express his admiration of the comforts and advantages of the slave population of Honduras. The hon. gentleman triumphantly appeals to these expressions. But in that same volume from which he extracted them, and within a few pages, there is a fact stated by the same colonel Arthur, which speaks still more unequivocally than they do as to the "comforts and advantages of the slave population of Honduras." Now, it is strange that the hon. gentleman, who so accurately recollects the eulogy, should so entirely have forgotten the fact; for the House will perceive, when I state it, that it is a fact calculated to make a pretty strong impression on a memory less powerful than that of the member for Sandwich. The despatch which contains it is from colonel Arthur, dated October 21, 1816, just seventeen days prior to that other despatch in which he lauds the condition of the slaves in that colony, and describes himself as having been metamorphosed from a perfect Wilberforce into —something, no doubt, very superior. I will now read an extract from it. You will find the whole in the papers relative to slaves, ordered to be printed on the 10th June, 1818; the very papers from which the hon. member for Sandwich has drawn his quotations.

"Copy of a Letter from Lieut.-Col. Geo. Arthur to Earl Bathurst; with seven enclosures.—Honduras, 21st October, 1816.—My lord; I have the honour to report to your lordship, that an inhabitant of this settlement, named Michael Carty, embarked by the last vessel which sailed for England, in order to obtain redress for the oppressive measures which he represents to have been exercised towards him by me. I could not have conceived it possible that this inhuman wretch was so destitute of all sense of shame, as to have taken such public means of promulgating his infamy; yet, as he has resolved upon it, I feel it necessary to transmit, for your lordship's information, the accompanying documents respecting him. By these papers your lordship will perceive, that this Carty was convicted before a special court, assembled for his trial, of having caused a poor young negro female, his property, to be stripped naked, and her hands being tied to her feet with tight cords, a stick was passed under her knees and above the elbow-bend of her arms, a large cattle-chain was fastened round her neck with a padlock, and in this agonizing posture, exposed to the burning heat of the sun, was this wretched female tortured from morning until night; constantly, during that time, flogged with a severe cat by her inhuman master and servant, in the most wanton and barbarous manner: sometimes on her buttocks; at other times, being turned over on the stick, on her face and breasts."

Now, Sir, look at the evidence on which he was thus convicted:

"At a meeting of the Magistrates at the Court House, Belize, River's mouth, in Honduras, Thursday, August 29th, 1816.—Present, Marshall Bennett, Thomas Paslow, and Thomas Frain, esqrs. —J. B. Rabateau came before the magistrates, and stated upon oath as follows: —The day before yesterday I was at Mr. Orgill's, about half past twelve o'clock, and I heard somebody was crawling in Mr. Carty's yard; Mr. Orgill told me it was Mr. Carty that was flogging one of his wenches, and which was the third time that day; I went from the house into Mr. Orgill's yard, with Mr. Orgill and Joseph Belisle, and looked into Mr. Carty's yard, and I saw a girl which Mr. Carty brought from Mrs. Burn's, on the ground; her two hands were tied to her feet, and a stick run under her knees and above the elbow-bend of the arm, and lying on her back perfectly naked, and he, Mr. Carty, was flogging her with a cat; after flogging her some time on her buttocks, he came round and struck her ten or twelve stripes over her breast and face, and after his flogging her thus, he called another woman of his, and made her hold one end of the stick, and he, Mr. Carty, took hold of the other, and he turned her from lying on her back over her head, when she fell nearly on her face, and then he flogged her again on her buttocks; after this I went away, and some time after returned, when I saw Mr. Carty flog the girl again in the same position and manner as before. I was then in company with Mr. Orgill, Joseph Belisle, Martha Sloasher, Jeremiah Myvett, William Adams, and John M'Gregor, who all saw the same. After this I went away, and about five o'clock returned to Mr. Orgill, and saw the girl fastened in the same position."—"The magistrates and officers of the court then examined the woman Quasheba, who appeared to have been much flogged, and her wrists much cut, apparently from having been tied, and had a large cattle-chain fastened about her neck with a padlock."—"John M'Gregor sworn, deposed as follows:—The other day I had occasion to go into Mr. Carty's shop, with a Spaniard, to see some crockery ware; as I went into the shop, he, Carty, was just coming in from the yard, with a cat in his hand; this was about eleven o'clock. I went away; about four o'clock in the afternoon, I was in Mr. Orgill's yard, and I saw the girl Quasheba tied in Mr. Carty's yard; she was quite naked, and tied with her hands to her legs, and a stick run under the bend of the knees and above the bend of the arms; he was flogging her."—"John Antonia Portall sworn, and John M'Gregor sworn as interpreter:—Deposes, that he saw the girl Quasheba when tied, and saw her being punished by Mr. Carty; that he sent his mate and the boatswain, who could talk English, to beg for the girl; that they went in, and Mr. Carty said he would forgive her, but would put her in chains; and this was about half past four o'clock."

Now, Sir, conceive a young female, her hands tied to her feet, a stick run under her knees and above the elbow-bend of her arm, and a merciless villain flogging her with a cat on the breast, the face, and every part of her body; and, as if insatiable in his barbarity, calling another woman of his, and making her hold one end of the stick, he holding the other, and thus turning her, from lying on her back, over her head, when she fell nearly on her face; and then he flogging her again, in a manner too shocking, too brutal, too indecent, for me to read! One witness saw this at half past twelve o'clock, and in that position he saw her again at five o'clock. Observe, too, not only the intensity of the punishment, but how often it was repeated. The same witness, Mr. Rabateau, says, that at half past twelve Mr. Carty was flogging his wench for the third time that day. Another witness, M'Gregor, saw her tied in the same manner on the same spot at four, and Carty flogging her. Another witness, J. A. Portall, saw her undergoing this punishment at half past four. At five she is seen, for the last time that day, in the same position. Two days after, the "wench" is brought before the magistrates much flogged, much cut, with "a large cattle-chain fastened about her neck with a padlock."

On Carty's trial all this is proved; and what exemplary infliction awaits him? Let gentlemen consider his guilt, and what measure of punishment they, or any men with feelings unblunted by slavery, would have dealt out to the convicted monster. Hear his sentence in the words of colonel Arthur:—"Convicted of all this load of enormity; with the unfortunate young female before their eyes, lacerated in a manner the recital of which is shocking to humanity; her wounds festered to such a degree that her life was considered in the greatest danger; still this picture of human misery and human depravity could not rouse a Honduras jury to award such a punishment against the offender (whom they found guilty to the utmost extent) as bespoke their commiseration for the former, or their detestation of the latter. Fifty pounds, Jamaica currency, equal to about thirty-five pounds sterling, was the penalty deemed adequate to the crimes of the offender! a man in affluent circumstances, worth thousands of pounds; and the poor female was doomed to remain the slave of this cruel wretch, still more exasperated against her than ever."

I know not whether the act itself is more enormous than the verdict. The act might only speak the cruelty of an individual; the verdict betrays the tenor of feeling towards slaves which prevails among the leading persons in the colony, the magistrates on the bench. Yes, Sir, it tells us, in language which cannot be mistaken, the degree of protection which the laws afford to the negro, and the equal-handed justice which is dealt out between the slave and the master. Aye, and what a comment is it upon "the enjoyments and advantages of the slave population of Honduras, a race of people truly to be envied by free labourers all over the world!" O wretched peasantry of England! How would you mourn your fate, if you knew the comforts of which you are debarred—the indulgencies, denied indeed to you, but dealt out so liberally to the contented African in that terrestrial Paradise for slaves, Honduras!

The hon. member for Taunton has said, that the negroes may complain of their lot, as the poor of this country may complain that they are not feasted on champaigne and venison—a most blind and extravagant comparison! Had this female nothing else to complain of but that she was denied the luxuries of life? She might complain, and, in the name of thousands of these poor negroes, I complain that she and they are denied the common rights of human nature, and that they are mercilessly lashed and tortured at the will of their brutal masters. Let no man imagine that this case of Carty is one of isolated cruelty: there stand upon record multitudes of cases of a description equally horrible. I did not choose, though accused of doing so, to appeal to the feelings of the House and the public: I determined to address their reason. I rested my case upon the moral degradation of the negroes. But let the hon. member for Sandwich, or the hon. member for Taunton, who has, he tells us, seen slavery, and who, seeing, has learned to admire it—who is quite captivated with the felicity of these negroes, admitted by himself to be in the lowest state of moral degradation—let either of these gentlemen but hint a wish for a statement of particular and individual atrocities, and I am prepared with cases, authenticated by unquestionable evidence, which will shock and exasperate every honest man in the country.

Before I quit Carty's case, one word on the character of colonel Arthur. It grieves me, Sir, that I am under the necessity; that I am bound, by the fidelity I owe to the cause I have undertaken, thus to comment upon the expressions he has used. I owe it to his general reputation to say he has made ample atonement for that idle language. For the last six years he has been a generous and brave defender of the slaves. I believe that there does not exist a man who has done more for that wretched race, and who has suffered more persecution in consequence of his exertions; and I am grossly misinformed if he does not now, with further experience, bitterly repent of the error into which he was betrayed. I am content to be deemed an enthusiast, if colonel Arthur be one who now considers the negroes as any other than a most wretched and persecuted race.

The hon. member for Taunton has complained most loudly of my having stated, that there is no danger to be apprehended in the West Indies. Give me leave to say, the hon. gentleman is as inaccurate in this as in his former assertion; for I stated that I expected nothing else but danger in the West Indies. I said, if I recollect right, that wherever there is slavery there is oppression. I told you, that if you wanted to be safe you must be just; that the price you pay for your injustice is your insecurity. I know there is danger. Danger! why? because the few inflict, and the multitude suffer, gross injustice. But I confess it does appear to me to be the most extraordinary of all arguments, to contend that the danger arises not from slavery itself, but from the discussion of slavery in this House. What, then, does the slave require any hint from us that he is a slave, and that slavery is of all conditions the most miserable? Why, Sir, he hears this; he sees it; he feels it too, in all around him. He sees his harsh uncompensated labour; he hears the crack of the whip; he feels, he writhes, under the lash. Does not this betray the secret? This is no flattery; these are counsellors which feelingly persuade him what he is. He sees the mother of his children stripped naked before the gang of male negroes, and flogged unmercifully; he sees his children sent to market to be sold at the best price they will fetch; he sees in himself, not a man, but a thing; by West-Indian law, a chattel, an implement of husbandry, a machine to produce sugar, a beast of burden! And, will any man tell me that the negro, with all this staring him in the face, flashing in his eyes, whether he rises in the morning or goes to bed at night, never dreams that there is injustice in such treatment, till he seats himself down to the perusal of an English newspaper, and there, to his astonishment, discovers that there are enthusiasts in England, who from the bottom of their hearts deplore, and, even more than deplore, abhor all negro slavery? There are such enthusiasts; I am one of them; and while we breathe we will never abandon the cause, till that thing, that chattel, is reinstated in all the privileges of man.

I beg pardon of the House for having trespassed so long upon its patience, but I can assure hon. members, that I should certainly not have troubled them at such length, had it not been for the observations of the hon. gentleman. Before, however, I conclude, I wish it to be clearly understood what is the point at which we are now arrived. If I understood the right hon. secretary rightly, the strong impression of his mind is, that the cart-whip may be wholly dispensed with—that females ought not to be flogged; that Sunday should be considered as the property of the slave, a day of rest and recreation—and that the slave shall have a legal title to property. I understand the right hon. gentleman also to have said, that he was doubtful as to the admission of negro evidence in all cases; but that he was satisfied that the impediments to manumission should be removed, and that he is willing that the practice of *venditioni exponas* should be abolished. There, however, still remains one point, which has not yet been touched upon by the right hon. gentleman—I mean, allowing the slave to purchase out his freedom by a day at a time—a practice recommended not only by high authority, but also by its obvious justice.

There is still one other point, upon which I confess I did not receive quite the same satisfaction as I received upon the other propositions I submitted to the consideration of the House—I mean, with respect to the freedom of children born after a certain period. What I understood the right hon. gentleman to say upon this point was this: "If the hon. gentleman asks me the question whether the day shall never arrive on which children shall be free, I would answer peremptorily no." Now, I am anxious before the close of this debate, to receive an explanation upon this most important point.

Mr. *Canning.*—I wish to make myself intelligible to the hon. gentleman and the House. If I am asked, whether I can maintain the proposition that the progeny of slaves must be eternally slaves—the hon. gentleman must feel that I am not at liberty to throw out a hasty opinion upon that, I readily admit, most important question; but my opinion certainly is, that the time must come when that object must be attained. I cannot now, however, state a distinct opinion further than this, that the progeny of slaves must not be eternally slaves.

Mr. *F. Buxton* said—Then I am to understand that the day will arrive after which every negro child born shall be free. That being settled, my next question is, when will that day arrive?

Mr. *Canning.*—I say I abjure the principle of perpetual slavery; but I am not prepared now to state in what way I would set about the accomplishment of the object. I abjure the principle, but I am not now prepared to give my opinion upon the question, because my mind is not yet made up, and I am unwilling to say any thing to night which may reduce me hereafter to the necessity of qualifying any statement I may make.

Mr. *F. Buxton.*—I am fully satisfied with the answer the right hon. gentleman has been kind enough to give to my questions, and I feel obliged to him for the very candid and decisive manner in which he has expressed himself. I now beg leave to withdraw my motion; but I wish it to be distinctly understood, that, in case a difference of opinion arises between the government and myself, I shall reserve to myself the liberty of bringing the matter forward on a future occasion.

The original resolution was then withdrawn. The Speaker next put the question upon Mr. Canning's Amendment, which was carried *nem. con.* and it was ordered, "That the said Resolution be laid before His Majesty by such members of this House as are of His Majesty's most honourable Privy Council."

HOUSE OF COMMONS.

Friday, May 16.

CONDUCT OF CHIEF BARON O'GRADY.] Mr. Wynn brought up the Report of the Select Committee on the Report of the Commissioners appointed to inquire into the Conduct of the Chief Baron of the Irish Exchequer.

Mr. *Spring Rice* said, he had, two years ago, submitted to the House a motion on this subject. The proposition he had then brought forward was, that the papers on the table of the House contained grave charges against the high law officer alluded to. Those papers were referred to a committee, who had affirmed his proposition; and the labours of the committee which had recently examined the subject had terminated in the same result. He hoped the report would be seriously examined by the House and by the members of his majesty's government, and that such steps would be taken as the justice of the case might require.

Mr. Secretary *Canning* observed, that if, by what the hon. gentleman had said, he meant to affirm this proposition, that when a member of the House of Commons made a charge against an individual, which charge was afterwards made good, he was at liberty to abandon it, and that it must then be taken up by the executive government, he asserted that which was neither parliamentary in practice nor in principle. He had never heard, when Mr. Burke had made his charge against Warren Hastings, that he had brought it to throw the ulterior proceedings on the executive government. He had never heard it argued, when Mr. Whitbread succeeded in his charge against lord Melville, that he had done all which he had a right to do, and that it was for his majesty's ministers to follow up the proceedings. If the case before the House was that of a removable officer, then he perfectly admitted that, as members of the executive government, not as members of the House of Commons, ministers would be bound to deal with that removable officer. But certainly it was not for them to proceed with charges which honourable members had originated, and pushed to a certain extent. There were two ways of proceeding in cases like the present—by an address of that House, or by impeachment; and he thought that either mode was better in any other hands than in those of ministers. He would tell the hon. member, therefore, distinctly, that in this case he certainly would not move a step; and he would advise none of his hon. colleagues to do so. If the hon. member would not come forward, he must reconcile himself to the circumstance in the best manner he could.

Sir *J. Newport* contended, that, as these proceedings grew out of the investigation of a commission appointed by the Crown, in consequence of an address of that House, his majesty's minister sought now to take the business up. His hon. friend had sufficiently shown that he did not shrink from responsibility, since he had originally moved for a committee. A second committee had now reported; and both of them bore him out in the charges he had made.

Mr. *Wynn* said, there was not a single instance in which the executive government, as such, had been called on to originate criminal proceedings. No case could be imagined that would excite more opposition. An individual would complain, that it was a party proceeding, and that the whole weight of government had been brought to bear on him, for the purpose of subverting justice. But this was not the first time when an individual member proceeded on charges which originated in a parliamentary commission. The case of lord Melville was exactly in point. A commission was appointed to inquire into the state of certain offices, and their report disclosed matter of charge against lord Melville, which ended in impeachment. In his opinion, proceedings of this nature had always better be placed in the hands of individual members. It was most desirable in this case, that all appearance of party feeling should be avoided, and if his majesty's government took up the business, perhaps it would be treated by gentlemen opposite, as a party question.

Mr. *Abercromby* said, that in this case a commission had emanated from the Crown, which had for its object to protect the administration of justice. That commission had discovered certain things which had a direct tendency to pervert justice, in the proceedings of a learned judge. Charges had been exhibited against him, and those charges had been affirmed by two different committees. The question then was, by whom were the further proceedings to be carried on? The right hon. president of the Board of Control said, "If this business is taken up by government, it will be viewed by the gentlemen on the other side of the House as a party question." Now, that was his (Mr. A.'s) case. He thought it unfair, that the individual accused should be supported by the weight of government, and that only the opposition should be left to oppose him; because, although the right hon. secretary had stated that government would take no part in the business, yet every man's experience must tell him, that even when such a declaration was made, the influence of government was likely to operate against a particular party.

Mr. Secretary *Canning* positively denied this. He declared, upon his honour, that he knew nothing of the individual, or of the facts of the case; and he also declared upon his honour, that if the hon. accuser determined to proceed, he would diligently attend and give the inquiry a fair and impartial hearing. But he could not allow the *onus* of such a proceeding to be thrown on his majesty's government.

Mr. *Wynn* called on the hon. member for Limerick to say, whether he had shrunk from his duty in the committee, or had evinced any unfair or improper bias. The learned member for Calne would have known this if he had not absented himself from the committee: any accusation of neglect of duty came with a very bad grace from that learned gentleman.

Mr. *S. Rice* said, that the right hon. gentleman's attention had been zealous and uniform, and had only been equalled by the candour which he had displayed. In answer to what had fallen from the right hon. secretary, he must observe, that making a charge was one thing; but when that charge was confirmed, the prosecution of the case was another. He never did nor would shrink from his duty, however painful; but he must enter his protest against the fairness of casting a proceeding like this on an individual.

Mr. *Abercromby* said, he had cast no reflection on the right hon. president of the Board of Control. What he had said he had used as a general argument. He had, however, heard one thing which he did not expect; namely, that the right hon. secretary was a favourer of this proceeding, provided it was in the hands of an individual.

Mr. *Canning* disclaimed being a favourer of this proceeding. He felt neither favour, affection, nor partiality of any kind respecting it.

Mr. *Denman* described the proceedings which had taken place under the commission of inquiry, and asked whether, after a report was laid upon the table respecting them, the business could stop there. And yet, before that report was read, before its contents could be appreciated, the right hon. secretary volunteered a declaration, that government would institute no ulterior proceedings thereupon. Suppose it should prove a case of an officer of high judicial rank acting in a manner utterly derogatory from his station and dignity, were they to be told that government would not then take some step in the business, and that it must drop, unless some private member undertook the ulterior course, of moving for parliamentary impeachment?

Mr. Secretary *Peel* said, that he understood the hon. member for Limerick entertained doubts himself of the propriety of calling for a parliamentary impeachment. Why, then, should he call upon the government to take it up. There was no inconsistency whatever between what his right hon. friend had said, and what had been done by his noble and lamented friend, lord Londonderry. When his noble friend gave the assistance alluded to, it was merely to clear away some obstructions which then impeded the inquiry; but he still left the whole matter in the hands of the hon. gentleman who had originated it. It would be a most dangerous principle to establish, that the government were bound to take up any matter which went to criminate a public officer, instead of leaving it in the hands of the person who had instituted the inquiry. He could not at all assent to the distinction attempted to be taken between the two commissions.

Mr. *S. Rice* denied that any change had taken place in his opinion upon the subject, or that he thought the case in the least less clear than he did on the first day of his mentioning it. Directly the reverse was the fact; and it was on that ground that he considered it the duty of those who were bound to watch over the administration of justice, to take steps to vindicate the purity of that administration on the present occasion.

Mr. *Peel* said, he was really ignorant of the merits of the case; for, owing to the part which his duty had compelled him to take in Ireland, respecting an office held by the chief baron's son, he had, from delicacy, absented himself from the committee which sat to make this inquiry.

Mr. *R. Smith* entertained a notion, that there might be a mode of obtaining the ends of justice in this case by another form of proceeding. The chief baron of the Exchequer, like all the other judges, held his office, *quamdiu se bene gesserit*, which showed that he might lose his office if *se male gesserit*. The dismissal, however, must be founded on an address from both Houses. Our annals presented no instance of such a proceeding with regard to a judge. On reference, however, to Croke's Reports, it appeared that, on the 11th November, 1630, John Walter, knight, chief baron of the Exchequer, who had fallen under the displeasure of Charles 1st, but who was a man of great learning and courage, declared that he would not resign unless a writ of *scire facias* was issued, to show the cause of his removal. Now, he strongly recommended the nature of this writ of *scire facias* to be inquired into, as it might possibly assist in settling the mode of proceeding, should any ultimate step be deemed necessary.

Mr. *Wetherell* entertained doubts, whether the act of the late king respecting the judges, did not virtually repeal all previous powers which the Crown might have possessed over judicial offices. With respect to the call upon government to institute an impeachment, he thought it most unconstitutional. He was glad that the right hon. secretary had discountenanced it; for if there was any case in which the House ought to be considered as dispersed into individuality, it was that of impeachment, where every member had the right to exercise his judgment firmly and singly. He meant to pronounce no opinion upon the merits of this case.

Mr. *Hume* was astonished at the doctrine of the right hon. secretary, that government ought never to be called upon to proceed against individuals charged with crime. Suppose a judge were reported by a commission to have acted corruptly, and suppose that report were substantiated, and nevertheless no member was disposed to bring it forward, was it not the duty of government to consider what ought to be done? Was such an individual to remain in the seat of justice with such a charge hanging over his character? It would be monstrous to affirm such a proposition.

Dr. *Lushington* maintained, that if any judge or other officer were proved guilty of peculation and abuse, and his majesty's government had the means of bringing him to justice, they ought to do so. He could not make up his mind, however, to say that government ought to originate a proceeding in parliament; because, undoubtedly, that would be calculated to produce a bias on the minds of honourable members. With respect to the affair under present consideration, it was evident that it could not rest where it was. Under all the circumstances of the case, he thought it the duty of his hon. friend to bring the subject under discussion, and to leave the House to dispose of it at their own discretion. When it was considered what must be the general feeling, when an officer of so high a rank as the chief baron of the Exchequer had a suspicion thrown on his character, and how injurious such a state of things must be to justice, it would be clear that some proceeding or other must take place.

Mr. *Canning* begged to repeat, that all which he had said went upon the assumption, that a parliamentary impeachment was expected on the part of the government. With respect to the process by a writ of *scire facias*, he would leave the question to be inquired into by more competent persons than he was; but he confessed, if such a course were open, it would completely alter the view which he had been taught to entertain of the independence of the judicial character.

The report was ordered to be printed.

IRISH TITHES COMPOSITION BILL.] On the order of the day for going into a committee on this bill,

Mr. *Vesey Fitzgerald* said, he was anxious to take the earliest opportunity of recording his opinions upon this question, which, looking to the interests concerned in it, yielded not in importance to any which had been discussed within the walls of that House. He wished, before the House went into a committee, to point out the view which he took of the measure, and the consequences which were likely to result from the proposed alteration. It was admitted, on all hands, that in every proposal for a commutation of tithes, it was held that the clergyman was strictly entitled to a fair equivalent. Now, he contended, that the proposed bill would have the effect of aggravating the evils which existed in Ireland. It would not relieve the distresses of the people, but would, on the contrary, augment the revenues of the clergy. It would give the clergy a right to claim an equivalent — not for what they now enjoyed, for to that he should not object —but an equivalent for tithes which had never been enforced, and which, if they ever existed, had lain dormant for a great length of time. The bill contained one clause of so objectionable a nature, that he considered it necessary to call the attention of the House particularly to it. In page 13, it was enacted, "That it shall be lawful for any umpire so to be appointed as aforesaid, and such umpire is hereby authorized and required to ascertain and fix the amount of the yearly sum of money to be paid as a composition for and in satisfaction of all tithes payable in such parish," &c. &c.

Now, one objection to this clause was,

that in two-thirds of Ireland it would be impossible to carry it into execution. There were, for instance, numerous parishes in which it would be impossible to appoint select vestries. This, however, was not his great objection. For there was a clause which gave to the incumbent an opportunity of claiming tithes which had never been paid before, and which, in many instances, had not been previously heard of. He implored the House to pause before they adopted a clause fraught with evils such as this. The right hon. member went on to point out the discontent and irritation caused in many parts of Ireland by the enforcement of the tithe on potatoes, and also in some cases upon hay. The tithe upon potatoes was one which, for the most part, operated upon the very lowest classes of the peasantry, and was by them most grievously felt. Adverting again to this objectionable clause, he would put it to the House, whether they would give to a commissioner, to be appointed by the lord lieutenant, a power of valuing tithes (no matter how claimed), without reference to the receipts of the incumbent? In opposing this clause it was not his wish to injure the clergy; on the contrary, he wished to support them, but he thought the best mode of doing so was by a moderate enforcement of their rights. He was decidedly of opinion, that it would be most expedient to allow the tithe to be settled between the landlord and the clergyman, leaving the tenant to make good his share in the shape of rent. Instead of the present bill, he would wish to see a commission issued, stamped with the weight of parliament, the first object of which should be an inquiry into the value of the livings of Ireland. On a question of so much importance, parliament ought to be satisfied that they proceeded on the principles of general justice. Should they be at length obliged to legislate to the discontent of some of the parties interested, they ought to be at least satisfied that they embraced a statesman-like proceeding, instead of a parochial one, such as was contemplated by the present bill. This was the first time they had been called upon to deal with the rights of the established church of Ireland. The bill, should it pass into a law, would be final and conclusive. They ought therefore narrowly to examine into the principles of the measure, which, he contended, were highly objectionable.

Mr. *Goulburn* said, it was with feelings of deep regret that he found himself opposed upon this subject to his right hon. friend; but when he heard him declare, that in his opinion this bill was unjust in its principle, that it would be oppressive in its operation, and that it would augment, instead of diminishing the discontents and disturbances which now prevailed in Ireland, however he might regret a difference on any point with his right hon. friend, yet he had too great a regard for the honour and character of his right hon. friend, to entertain a wish or an expectation that, viewing the subject in this light, he should permit any considerations of personal regard to himself to prevent him from stating his sentiments to that House, with all the power and authority which belonged to his statements. On the other hand, he was sure that, however unfavourably his right hon. friend might think of this bill, he would do him (Mr. G.) the justice to believe, that nothing but a sincere conviction that it was calculated to remove at least a part of the evils complained of, and to produce a beneficial effect in Ireland could have induced him to propose it to the House. During the period that he had filled the office of chief secretary, he had often been called upon to state the opinions and views of the government with respect to a commutation of tithes. He had for some time forborne to answer these calls, or to indulge any expression of opinion favourable to such a measure, because he did not think it consistent with his duty, though it might have been easy and popular, to raise an expectation which he might not have the means of gratifying. Enough had fallen from his right hon. friend, to shew that, if the Irish government were disposed to court popularity, if they were willing to consult their own ease at the expense of what they considered their duty, they might at once accomplish their objects, by abandoning that part of the bill which it now seemed was objectionable both to the country gentlemen and to the clergy of Ireland. To himself no course could be more agreeable than that which should save him from the attacks with which he was menaced from both of these parties, and should also relieve him from a more immediate evil, the opposition of his right hon. friend. But, in the conduct of this measure, and of all other measures that had been confided to him, involving great rights, both of a public and a private nature, he had felt it to be a paramount duty to look to other objects besides popularity. Upon every occasion when the subject had been under discussion, he had endeavoured to impress upon the House a sense of the difficulties with which it was surrounded. It was easy for those who had not thoroughly considered the subject to talk of getting rid at once of the evils of the tithe system, by giving a settled annuity as an equivalent to the clergy; but he had always stated, that whenever the subject came to be deeply examined, and when the intricacy of it was fairly presented to the mind, let the proposition come from whom it would, it would be found to excite, on both sides of the House, objections without end. He therefore never entertained the idle hope, still less did he ever hold out the expectation, that he himself should be able to suggest a measure that would be free from objection. All that he proposed to do was, to submit one which appeared to him superior to the plans that had hitherto been suggested, and which was calculated in a great degree to remove the evils which were the subject of complaint. He called upon the House therefore not to condemn this measure because it was not without defect, but rather to entertain it as one that was as little objectionable as any that could have been produced, not as one which was essentially perfect, but as one which was capable of being altered and amended in the committee, so as to render it useful and advantageous. He should, perhaps, have been excused by the House, if, in answer to his right hon. friend, he had taken that opportunity of going into detail upon the several provisions of the bill; but as he perceived, notwithstanding what had fallen from his right hon. friend, that there was a willingness on the part of the House to give the bill a fair consideration in a committee, he thought he should best consult their feelings, if he confined himself at present to a statement of the principle of the bill, and of the amendments which he should propose when it reached the committee. The House must bear in mind, that the great leading object of the bill, was to remove or alleviate certain evils which were universally acknowledged to be connected with the tythe system as existing in Ireland, the nature and extent of which he would only incidentally allude to. The collection of tithes in Ireland was, in every respect, distinct from that which prevailed in England. In the former it presented difficulties almost insuperable; in the latter it was attended with little, if any, inconvenience. And why? Because tithes in the two countries were collected from very different classes of the community. In England the tithes were paid by the middling and higher classes, by those who had a considerable, or at least some, capital employed in agriculture; in Ireland they were paid by the very lowest of the peasantry, and almost by them alone. This very circumstance created almost all the difficulty which was connected with the tithe system in Ireland. It necessarily brought the clergyman into hostile contact with the lowest part of the community: it placed him in the painful situation, either of abandoning the greater part of his income, or of getting into a course of litigation with the greater number of his parishioners; for it was obvious, that where the income of a clergyman was derived from numerous payments, each of which did not exceed a few shillings, he was compelled either to enforce the payment of those sums from the poor, or to give up his income altogether. This was generally the case in the southern and western parts of Ireland. He had, upon former occasions, stated examples of this kind to the House. He had mentioned a parish in which, out of 2,000 persons who paid tithes, 1,200 paid less than a pound; and he could name cases without end of the same description. But the evil was not only that the clergyman had to demand from a pauper a fixed sum beyond his means to pay; the clergyman, in order to ascertain this sum, must have a dispute with his poor parishioner, and the subject of dispute was the value of the crop which his garden produced. In Ireland the poor are all occupiers of the land. The law required them to set out the tithe before the crop was removed. They could not comply with the law; their necessities frequently compelled them to make a premature use of the crop, for the purpose of immediate sustenance. Having done so, it became impossible to ascertain its value. They were under the necessity of submitting to the mode of valuation which the clergyman, in his own defence, was obliged to adopt, and the necessary consequence was, continual disputes. In many instances, the tenant resisted a just demand, and in order to defeat it had recourse to violence and outrage. But this was unfortunately not the only evil of the system; a practice had grown up of giving credit for the tithes, of taking notes of hand for the amount, and, as the man who could not pay at the time had no capital, and had little chance of paying at a distant period, these notes were generally notices of future litigation. He did not state these circumstances with a view of throwing blame either upon the clergyman or upon the peasant; the evil was inherent in the system, and to the system the remedy must be applied.—Having stated the evils, he would ask any gentleman to look at the bill, and see whether, if it were fairly carried into effect, it would not effect a remedy? What was its admitted principle? To prevent the taking of tithe in kind; and, with the tithe in kind must end the vexatious litigation which it occasioned. In order to fix a fair equivalent for tithes, he had proposed a voluntary agreement between the party who paid and the party who received them; nor could he conceive a fairer principle of adjustment. His right hon. friend said, that this plan would not operate; that it would be impossible in many parishes to nominate a commissioner. He was fully aware of the difficulty which existed in Ireland, of effecting any object through the medium of what might be called local administration. There was, unfortunately, in that country, an indisposition, an inaptitude, on the part of the lower orders, to perform duties which the corresponding classes in England willingly and ably executed, and which afforded such facilities and advantages to government. But, were we therefore to say that no attempts ought to be made to introduce a better system, and to induce the lower orders of the people to place some reliance on themselves? It was in vain to cry out that the thing was impossible. It became so, unless an experiment were tried. He had made the attempt in the present bill; because he thought that persons might, in this case, be induced, by feelings of interest, to lend their assistance, and therefore it seemed to present a most favourable opportunity for trying the experiment. He was aware that as the bill actually stood it would be impossible, in many cases, to get a vestry. The qualification for a vestryman was rated too high. A great number of cases might be produced where no individual paid tithes to the amount even of a pound. But, was this a defect which could not be remedied in a committee, or which required members to oppose the Speaker's leaving the chair? He was himself prepared to propose an amendment in the committee, which would meet the objection; namely, that those should be qualified as vestrymen, who paid the highest amount of tithes in a parish. But he begged, once for all, to assure the House, that he was not so much attached to his own amendments, as not to be ready to listen to suggestions from any quarter that might tend to make the bill more efficient for its object. If it should be shown, that the mode of proceeding by vestries could not be accomplished, he should be most willing to attend to any other plan that might appear better calculated to attain the object. All that he wished to obtain, was a voluntary agreement between the parties, and to this his right hon. friend did not object: his principal objection was directed against the compulsory clause, which clause was only introduced into the bill as assisting the voluntary arrangement, and imposing upon all parties an obligation to concede it fairly. In that clause he had, as was truly stated, adopted a different principle of valuation from that laid down in other parts of the bill, and for a very simple reason. In all the discussions which had taken place, he had never failed to lay it down as a principle, that tithe property, whether in the hands of a clergyman or of a layman, was always to be dealt with upon the same principle as other private property; nor had he or would he ever admit a forcible invasion of the sacred rights of property, because it was of a particular description. From that principle he could not depart. It never could be departed from, without an abandonment of the character of parliament—without involving the stability of every kind of property. It mattered not to him who was affected in the first instance; if once the House were prepared to invade the rights of property, whether lay or ecclesiastical, no man could undertake to set limits to the invasion, or to say that it would be the last; since every additional infringement would come strengthened by the force of the previous precedent. While, therefore, he had been desirous to afford every relief, he had been most anxious that an arrangement should take place between the parties; but, when the legislature was called upon to compel an unwilling party to give up his property, and that for a great public good, there was, in his opinion, but one course that could consistently with justice be pursued, and that was, to give to the party the full value of the property forcibly surrendered. But he denied that, as the bill now stood, it would be necessary in all cases, or even generally, to enforce the compulsory clause; and he was still further prepared to propose an intermediate process, which would, he hoped, prevent the necessity of recurring to it at all. But still he thought there was great advantage in having it in the bill. It would be a check upon the parties; it would tend to make them act justly and fairly, by letting them know, that if they refused there was another tribunal, which possessed the power of compulsion.—With respect to one part of the bill, his right hon. friend was altogether in error. The present bill in no case, whether of voluntary or of compulsive valuation, brought in the tithe of agistment; but, when the valuation was once formed, agistment lands were to bear their fair proportion of the burthen. There was one other point also, to which his right hon. friend had objected; namely, that part of the bill which pointed out the mode by which the assessment was to be effected. That part had been altered. On consideration, he was satisfied that the task of assessment ought not to be imposed on the parochial vestry. He had, therefore, struck out those clauses, and given the power to the commissioners who were to make the valuation. They were for this purpose enabled to call in surveyors to survey the parish, and make the assessments upon such survey. He was aware there might be objections to this plan; but as the House had already declared that there should be a parochial survey of Ireland for general purposes, he was persuaded no substantial objection could be urged to the mode of effecting it which this bill proposed. He should be most ready to attend to the suggestions of any hon. member, and, notwithstanding the declarations of hostility with which the measure had been met, both in that House and out of it, he flattered himself that it might be so modelled as to render it a measure deserving the approbation of parliament.

Mr. *Wetherell* objected to the principle of the bill, because it deprived the clergy of their character of freeholders, and gave them a character of pensioners on the state, levying their pensions by a machinery something like that of the poor-rates in England. It remained to be proved, that the evil was so large and comprehensive that they should cut up by the roots all the sacred principles on which property, civil and clerical, was founded. The proposition in the bill was entirely new; as Mr. Pitt, who contemplated the commutation of tithes, never intended to deprive the clergyman of his territorial character; but proposed to give him land instead of tithe. It was an objection to this bill also, that while it professed to be a measure of conciliation, it forced the parties, *nolens volens*, to a commutation. They were brought to the measure *in vinculis*, and subjected to the *brutum fulmen* of the government. He thought some harmonising, conciliatory, and intermediate measures were practicable; but, at any rate, in a case in which there were *vestigia nulla retrorsum*, they should not come to a conclusion hastily—the bill should be printed, and dispersed throughout Ireland. He did not think the security offered to the clergyman, who had now an absolute claim *in rem*, was adequate to that which he relinquished. If the churchwardens refused to levy, the resort was to a complicated machinery of litigation, of which the clergyman was the *primum mobile;* though he did not question his potentiality to put it in motion. He lamented to hear that the *summum jus* was frequently insisted on in Ireland in levying tithe, especially on potatoes, which were the pabulum of so large a part of the population. He thought the measure before the House would be an irritative instead of a sedative; for he could not conceive how it would be a *bonus* to the peasant to commute a payment *in solido*, for a pecuniary payment. He suggested, that the relief should be applied to that part in which the evil was felt, the tithe on potatoes; but he saw no reason for touching those tithes which were paid by large farmers. The payment in tithes had been preferred by Mr. Burke and other writers of great authority, to a pecuniary payment; as it mixed up the clergyman harmoniously with the rest of the constitution, and brought him constantly in contact with his parishioners. He hoped, as during the last year king William's statue had been stripped of its ribbons, the church would not this year be undressed of its property, by depriving the clergy of their territorial rights, and investing them with the shadowy substance given them by way of commutation in this bill; which would one time or other become a precedent for similar measures against the church in England.

Mr. Secretary *Peel* said, that his right hon. friend (Mr. V. Fitzgerald) and his hon. and learned friend who spoke last agreed in nothing but in their desire that the bill should be withdrawn for the present session. He must, however, protest against the postponement of the measure, because he was satisfied that no additional information could be obtained thereby. The argument of his hon. and learned friend went to prove, that no commutation could be effected without danger under the auspices of the government, and yet his hon. and learned friend had declared, that he should have no objection to a commutation of potatoe tithe. With regard to the compulsory clause, it was not necessarily connected with the bill, and if the House should hereafter be of opinion that it ought to be omitted, the remaining parts of the bill might still be beneficially carried into effect.—The right hon. gentleman entered into a variety of details with regard to the mode of collecting tithe in various parishes in Ireland, with a view of showing the practicability of an amicable adjustment between the clergy and their parishioners. He approved of the plan of appointing parochial commissioners; for it was impossible that the government could efficiently discharge the duties which would devolve upon the commissioners, from a want of local knowledge, and their limited acquaintance with parochial details. If this measure should not produce universal harmony and conciliation, much substantial good would, he believed, be effected by it. He therefore gave his cordial support to the motion for going into the committee.

Sir *J. Newport* agreed, that it would be most impolitic to allow the bill to remain over to the next session. He expressed his firm conviction, that unless some measures were adopted by parliament, to modify the tithe system in Ireland, there was no hope of peace and tranquillity, either for the established church, or for the people at large. At the same time he must object to the principle of the compulsory clause.

Colonel *Barry* objected to the compulsory clause, but approved of the general principle of the bill, which he thought would be highly beneficial to the interests of the Irish clergy.

Mr. *Abercromby* thought, that if the compulsory clause were struck out, all the evils which the bill was intended to remedy would be left in full activity. If that clause therefore were rejected, he could not give his support to the bill.

Sir *John Stewart* deprecated the idea of raising obstacles to the fair operation of the bill, from which, with some modification, much good would result to Ireland.

Colonel *Trench* said, the great difficulty lay in this, that the tithe was chiefly payable by Papists to Protestants. He had great hopes of the bill, which he trusted would come out of the committee more perfect than it was at present.

The bill was then committed *pro formâ.*

HOUSE OF COMMONS.

Wednesday, May 21.

Insolvent Debtors' Act—Westminster Petition for the Repeal of.] Mr. *Hobhouse* presented a Petition, which was signed by between 2,000 and 3,000 respectable tradesmen of the city of Westminster. They prayed for a repeal, or a considerable alteration, of the Insolvent Debtors' act. The House was aware that from the time of passing that act, petitions had poured into the House from all parts of the country, praying for its repeal. The petitioners saw nothing in the existing law which could recommend its continuance. They did not merely complain of it, but they had taken the liberty of pointing out the manner in which they conceived the grievances it occasioned should be remedied. The petition had been very maturely considered at two numerous meetings of the inhabitants of the city which he had the honour to represent; and persons whose opinions were upon most other occasions opposed, had in this instance agreed upon the resolutions which were embodied in it. The suggestions to which he wished more particularly to draw the attention of the

House were, that the laws relating to insolvents should be assimilated as much as possible to the bankrupt laws. The petitioners were of opinion, that the interests of the debtor and creditor would be better attended to if a meeting of the insolvent's creditors should take place within ten days after his commitment. At that meeting, two-thirds of the creditors should have the power of coming to a decision, which should be binding upon the others. They recommended also, that if creditors should be proved to have participated in the fraud of the insolvent, they should be subject to punishment by the commissioners of the Insolvent Court. When he stated that 3,000 individuals had taken the benefit of the insolvency acts, between the 1st of February and the 12th of March last, the House would see that the effect of the act was inconsistent with the protection due to creditors. He denied, on the part of his constituents, the truth of the representation that they thrust their credit upon customers. On the contrary, it required their utmost skill and address to guard against the artifices of persons who afterwards became insolvent. The petitioners recommended no severe measures, but such as, knowing the vicissitudes to which men in trade were exposed, they would themselves be willing to submit to if they were exposed to that necessity.

Ordered to lie on the table.

SILK MANUFACTURE BILL.] The *Lord Mayor* presented a petition most numerously and respectably signed by many of his constituents, the working silk-weavers of Sudbury, against the repeal of the act called the Spitalfields act, and which had for its object to regulate the price of labour in that trade. His lordship stated, that they were apprehensive the consequence would be, to reduce their means of subsistence, and consequently to increase the poor-rates. The act had been passed in consequence of great disputes between the masters and men, and since that period the silk trade had flourished, and the men had been satisfied. At all events, whatever might be the original policy of the measure, it ought not to be interfered with without great caution, and opportunity for all parties interested to be heard fully on the subject.

Mr. *Calvert* recommended that time should be given to the petitioners to state their objections to the measure.

Mr. *Ricardo* thought that this petition, coming from a district which was free, and praying that a restriction might be continued upon another district, was a most powerful argument in favour of the very measure which it opposed.

Mr. *W. Smith* thought, that as the petition concerned the interests of a large body of industrious and ingenious men, their opinions and even prejudices ought to be attentively listened to.

Mr. *F. Buxton* presented a similar petition, which, having lain for signatures only three days, had received 11,000. Females had not been permitted to sign, nor any person under the age of 20. It came from the journeymen silk-weavers of London and Middlesex. Its object was, to represent to the House the dismay and alarm which had been caused in the minds of the weavers of Spitalfields, by the bill which was appointed to be read a second time that day. It stated, that the journeymen weavers had derived great benefit from the effects of the existing laws, of which he thought they were competent judges, and which they said did not repress industry in any shape. It stated, that the poor-rates in the neighbourhood from which this petition came amounted only to 3*s.* in the pound; and it asserted, that the repeal of the present acts would increase them. If the right hon. gentleman who introduced this measure had been in his place, he should have requested him to postpone the further progress of the bill until the petitioners had been heard, as they prayed, by themselves or their counsel, at the bar of the House.

Mr. *Hume* said, he regretted that the right hon. proposer of this measure was not in his place, to vindicate the broad and general principle upon which it was founded. He was willing to give the petitioners credit for very honest intentions, but he thought they did not understand the operation of those principles to their own advantage or disadvantage. They thought, for instance, that the existing law had been beneficial to them, when it had, in fact, been, for the last forty or fifty years, diverting the trade to Sudbury and to other places. He was satisfied that, in proposing the present measure, his majesty's ministers had conferred a benefit on the country at large.

Mr. *F. Buxton* admitted, that the petitioners did not pretend to understand political economy—a science, the principles of which appeared to change every two or three years. All they demanded was, to be heard; and no reason had been given why the complaints of eleven thousand petitioners, whose interests would be affected by this measure, should not be attended to.

Mr. *Ellice* said, he agreed that all the restrictions on trade which had been alluded to had probably better be removed. But, how were they proceeding? They were, however, proceeding to remove a law which, as the workmen conceived, afforded them protection, while they allowed the Combination act, and the act against the emigration of artisans, to remain in existence, which statutes, as every one knew, operated severely against certain of the working classes. The weavers undoubtedly believed that the bill which was about to be repealed afforded them some protection; and they saw none of those evils which the master-manufacturers apprehended would flow from suffering it to continue in force. They were the persons chiefly interested; and he thought their call for some delay was not unreasonable. There were some restrictions, he was aware, on the master-manufacturer, with respect to the mode of carrying on his business, but these were very easily evaded. It was said, that the existing act was a deviation from general principles; but where it suited particular interests, the House frequently deviated from such principles. That was the case with respect to the corn-laws, and the laws affecting other branches of trade, by which the workmen were grievously oppressed. So that the mere deviation from general principles, in this particular case, was not of itself a sufficient reason for repealing the act. The workmen were seriously aggrieved by the emigration laws, which prevented them from carrying their labour to other countries, as the master-manufacturer was enabled to carry his capital. Let it not, therefore, go abroad, that the House would interfere with those acts which the workman thought beneficial to his interests, and not redress the grievances which grew out of measures which he felt to be oppressive. He would ask the right hon. gentleman (Mr. Huskisson), whether he could not, without interposing any great impediment to the progress of this bill, give a little more time for the consideration of this measure, and afford the petitioners the satisfaction of knowing that he contemplated the repeal of the Combination act, and of several other statutes under which they suffered very considerably?

Mr. *Haldimand* said, he would support the bill introduced by the right hon. gentleman, because he believed if the existing acts were not repealed, the silk-trade in Spitalfields would be extinguished altogether in the course of a very few years. He stated this, not upon any general principle, but as a mere matter of fact. An allusion had been made to the petitioners, as not understanding political economy; but the resolutions and the petition which they had agreed to at a public meeting, contained some of the strongest principles of what he supposed they considered political economy that were ever promulgated. They approved of the doctrine, that the magistrate should fix the prices, and that no one should work for more or less than he settled. This was a monstrous proposition. The price was not to be determined by the number of labourers, as compared with the demand, but by the magistrate; who, it must be presumed, possessed some intuitive mode of judging what was exactly the proper rate. Their observations on machinery were equally unsound; and their complaint, that, if the present bill were passed, the wages of the Spitalfields weaver would suffer the same reduction as had taken place in Coventry and elsewhere, was really absurd. Their argument went to this—that the rate of wages there should continue the same, whether the price of provisions remained as it was now, became lower, or was doubled. Whoever drew up that petition had made out a better case for the repeal of the present bill, than those persons had done who had petitioned the House to effect that object. It was a remarkable circumstance, that since that bill had been passed, the rate of the weaver's wages had risen, but had never fallen. No instance of a fall had occurred, although the wages in other branches of the trade had been reduced. Some years ago the masters had called for the repeal of this bill; and he believed there were very few of them at present who did not wish for its removal.

Mr. *Ricardo* said, in answer to what had fallen from an hon. gentleman, that if they waited until they could, at one stroke, destroy all restrictions on trade they would never effect any useful alteration. The hon. member for Weymouth had observed, that the petitioners knew nothing about political economy, the principles of which seemed to change every two or three years. Now, the principles of true political economy never changed; and those who did not understand that science had better say nothing about it, but endeavour to give good reasons, if they could find any, for supporting the existing act. He most assuredly would not utter a word that could be injurious to the manufacturing classes: all his sympathies were in their favour: he considered them as a most valuable part of the population, and what he said was intended for their benefit. But, why should this particular trade come under the cognizance of the magistrate more than any other? Why should he interfere with this particular branch of the trade when many other branches of it were not under his control? The law only applied to the weavers. With respect to all other parties connected with the trade the magistrate had no jurisdiction whatever. Why should he have the power to fix the price of labour, more than the price of bread, meat, or beer? Delay was asked for. Now, he saw no use or advantage in delaying the measure. The hon. member for Norwich called on the House to delay the bill until next session. But, what reason had he given for the postponement? No one whatever. He merely said, "I think the existing measure is a very bad one for the workmen, but there is an extraordinary prejudice in its favour amongst the weavers, and therefore I would delay the measure until that prejudice is removed." Why, at the end of the next session they would be in exactly the same state as at present; the prejudice would be found to exist as strongly as before. He therefore hoped that his right hon. friend would proceed with the measure, and refuse any application for delay.

Mr. *W. Smith* said, the reason why he called for delay was, to allow time for the prejudices of those who disapproved of the bill to subside, or be overcome. In conversing with some of the petitioners, he had found them prejudiced, but reasonable; and if delay were granted, perhaps those prejudices might be removed, and the bill be passed without opposition.

Mr. *S. Wortley* concurred in opinion with those who pointed out the folly of these regulations; but, in doing them away, it would be well, if possible, to carry with them the feelings of those who now wished for their continuance; and he did not know of any mischief that could arise from the delay of a few months which could be compared with the benefit that would result from showing the petitioners that the regulations were, in fact, the worst that could possibly be devised for them. Why could not the subject be referred to a committee? He could state instances where inquiry before a committee of the House had effectually removed deep-rooted prejudices, which could not have been eradicated but for such inquiry. The restrictions on the use of machinery in the West Riding of Yorkshire, and the regulations with respect to the stamping of woollen cloth, were some years ago considered by committees of that House; and though the prejudice against any alteration was very strong, yet when the propriety of a revision of the law was made apparent, it was effected without opposition. Therefore it appeared to him that some delay was advisable.

Mr. *G. Philips* wished the measure not to be hurried through the House. It ought to receive a calm and deliberate consideration. He thought the existing act was injurious to the workmen; but, on that very account, he thought delay ought to take place, because he was desirous that the necessity of the repeal should be manifested to the workmen themselves. It was said, that the combination acts were injurious; but it should be recollected, that there was now a bill before the House to put an end to them. No body of men had suffered more than the Spitalfields weavers; and, in his opinion, their sufferings had been chiefly occasioned by the law which the right hon. gentleman wished to repeal.

Mr. *Huskisson* said, there was one singular feature in this discussion; namely, that not one of those who had taken a part in it, had contended for the principle of the bill which was about to be repealed; and yet, when not a single member was disposed to maintain the proposition, that the principle was a good one, they were asked to appoint a committee to investigate this subject. What would be the use of such a proceeding, when every man was precisely of the same opinion? He had heard many complaints from time to time, that government would take no responsibility upon themselves, but left every alteration in the law to others; but on this occasion, where they could with great propriety assume a certain degree of responsibility, gentlemen were anxious that they should throw it upon a committee. They were required, either to grant delay to the next session, or to refer the subject to a committee up stairs. Now, with respect to delay, honourable gentlemen very much deceived themselves if they supposed that delay was likely to produce any alteration in the feelings of the petitioners. This was not a new matter of discussion and inquiry between those who now were petitioners and the government. He appealed to his right hon. friend who was recently at the head of the Board of Trade, whether this subject had not, year after year, been brought under discussion. It had been repeatedly considered by the operative weavers on the one side, and the executive government, anxious to do away an act which was obnoxious to the interests of the country, and to the welfare of the parties themselves, on the other. When the present act was passed, there was no silk-manufactory in any part of the country except Spitalfields; and if it had not been for the prohibition against the importation of silk, the law would not have remained on the Statute book for fifty years. But the case was now wholly altered. There were silk-manufactories in many parts of the country; and, if the present law were suffered to remain in force many years longer, the whole trade would be absorbed by them, and the manufactories of Spitalfields would be inevitably ruined. In that case, though they might repeal the law, that measure would come too late; for it was extremely difficult, when a branch of manufactures was once removed from a particular place, to bring it back again. Upon all these grounds he should feel it necessary not to hurry the bill through the House, but to press it forward consistently with the accustomed forms of parliament. At the present moment there was a dispute between the masters and the journeymen: the one body wanting to affix a certain price on particular articles; the other contending against it. Who, then, was to decide? Why, the magistrate, who knew nothing about the subject, and who might as well be called in to decide on a mathematical problem, relative to which two professors of that science maintained different opinions. With respect to the combination laws, and the law relative to emigration, he admitted that they required revision. That, however, was a very complicated subject; not a plain and simple one like the present. It might be fit for the consideration of a committee, but could not be assimilated to the subject of the bill which had given rise to this discussion. The bill which he had brought in did not affect the general laws of the land; but merely a law which applied to a particular district, and gave to it undue advantages which other places did not possess. It was one of those unwise departures from sound principles which ought to be got rid of as soon as possible. He should persevere in moving the second reading of the Silk-manufacture bill that evening.

Mr. *Calcraft* was of opinion, that it would be unadvisable to proceed further in this business, without giving the petitioners an opportunity of being heard. Let them first be heard, and then the House could decide upon the merits of the case—that a course which, though it should ultimately prove adverse to the view at present taken by the petitioners of their interests, would, he had not a doubt, be acquiesced in by the parties at issue.

Mr. *S. Rice* said, that he was requested by one of the most respectable persons engaged in the silk trade in Ireland, to express a hope that the bill would not be hurried in its progress through the House. The Irish silk-trade suffered regulations analogous to that carried on in Spitalfields, with the additional control of the Dublin society.

Mr. *F. Buxton* called the attention of the House to the standing order, which precluded them from receiving any measure for imposing a new restriction upon trade, or altering any thing relating to trade, without its being previously submitted to a select committee. With respect to the disputes among the workmen, he had the authority of Mr. Hall, who had resided forty years in Spitalfields, to say, that within his memory there had only been two instances of applications to the magistrates by the workmen.

Mr. *Huskisson* said, that at that moment an application to the magistrates was pending respecting the price upon the manufacture of a particular article. With respect to the standing order, whatever was its wording, he could state, that the original intention of it was, that no new restriction should be imposed upon trade. If it were applied to such a case as this, which was to remove a restriction, an operation would be given to it the reverse of the original intention.

Mr. *S. Wortley* contended, that the standing order was applicable to the present case.

The *Chancellor of the Exchequer* explained the origin of the standing order. A bill imposing certain restrictions on trade had found its way through that House to the House of Lords, where it was objected to, and the Lords came to a resolution, that no such bill should be agreed to, but after the reference of the subject to a committee. The House of Commons then came to a similar resolution. However the order might be worded, its object evidently was, to prevent the introduction of new restraints upon trade, and not the removal of those which already existed.

Lord *Milton* thought the petitioners ought to be heard. In a case in which the interests of so many persons were concerned, it would not be right to dwell on what might be the original intent of the standing order. And after all, the repeal of restrictions on trade was, in fact, the introduction of a new regulation with respect to it.

Mr. *Ellice* urged the propriety of postponement. It would be hard on the petitioners, if now, for the first time, the standing order was considered inapplicable to the present question.

Mr. *F. Buxton* presented a similar petition from the tradesmen of Spitalfields, expressing their apprehension, that the result of the repeal of the existing law would be, the increase of the poor-rates, and praying the House not to pass the bill without the fullest examination. In his opinion, inquiry was indispensably necessary, to pacify the opponents of the repeal if they were wrong, or to do them justice if they were right.

Mr. *Philips* thought the standing order bore upon the present question.

Mr. *Wallace* was satisfied that, whatever was the wording of the standing order, it had no real application to the principle of this bill, and he should regret extremely to see it impeded upon such a pretence. If the House yielded to the present application, the result must be the loss of the bill for the present session.

Mr. *Maxwell* thought it might be safely presumed, that the petitioners had good reason for their opposition to the present bill. He certainly hesitated to say, that he approved of the repeal. At any rate, he was persuaded it ought not to be an isolated measure. He was one of those who thought that some regulations respecting wages, and among others, that of fixing their minimum, would be serviceable to the community at large.

Mr. *Huskisson* admitted, that if a doubt existed respecting the operation of the standing order, it ought to be considered before they proceeded further. It had not, however, been previously acted upon; and its effect, if used in the manner now proposed, would be, to paralyse all the proceedings of that House in matters of trade.

Sir *J. Mackintosh* said, he rose, much against his inclination, to state his opinion with respect to the meaning and construction of the standing order, because he was decidedly favourable to the bill, and as decidedly opposed to any thing which might oppose its progress. But, unfortunately, they were bound to consider the orders of that House, according to their general and plain import. For himself, he considered the removal of any restraint upon trade as much a regulation of such trade, as the imposition of any restraint could be. He had heard his hon. friend (Mr. Maxwell's) observation, about a minimum of wages, with regret. If his hon. friend's view were correct, he ought to apply his minimum equally to prices and to rents; not that such an extension of the application would correct the principle. On the contrary, it would expose its absurdity.

Mr. *Baring* rather preferred the formation of a committee. It did not follow that such a committee should enter into a protracted inquiry. With respect to the standing order, he saw nothing of absolute wisdom in it, and thought it ought to be repealed. With respect to the petitions, they did not weigh much with him. They came from a set of persons who were either labourers in the trade, or tradesmen and shopkeepers with whom those labourers dealt, and who would, of course, join in the prayer of their customers.

Mr. *Huskisson* said, that though this standing order had been introduced on the 23rd of June, 1820, it had never been acted upon. He would, to-morrow, move, to refer the consideration of it to a select committee; and under these circumstances, he did not mean to press the second reading of the bill that night.

Ordered to lie on the table.

PRETENSIONS OF RUSSIA—NORTH-WEST COAST OF AMERICA.] Sir *J. Mackintosh*, seeing the secretary of state for foreign affairs in his place, wished to put a question to him on a subject of high importance, and nearly connected, not only with the honour and dignity of his majesty's crown, but with the interests of all lawful and practical navigation. It would be recollected, that in the course of the last session, he had addressed a similar inquiry to the late marquis of Londonderry, with respect to certain wild, monstrous, and extravagant pretensions of the emperor of Russia, to exclusive authority over vast dominions by sea and land, on the north-west coast of America; those dominions embracing on shore, several extensive territories now occupied by subjects of his Britannic majesty, and others which were possessed by citizens and subjects of the United States of America: and by sea, including an extent of ocean, stretching from the north-west coasts of America, to the north-east coasts of Asia. On the occasion to which he alluded, the noble marquis informed the House that he had, by the command of his majesty, protested on the part of the British government against those principles of dominion which had been recently set up by Russia, and which he justly described as principles that were injurious to the maritime rights of all commercial nations, and especially obnoxious to those of the first commercial nation in the world. Since that period, however, and indeed but a few days since, information had been received in this country from America, that Russia no longer rested upon unwarrantable pretensions; but, that Russian ships of war had been actually employed to warn off the ships of all countries, from the whole extent intervening between Nootka Sound and Japan, as part and parcel of the Russian empire. He had been informed, that they had driven away American vessels which were sailing in those latitudes; and the same principle of exclusion would extend to any British ships which they might find there, as matter of course. Doubtless, as a preliminary step to that universal dominion by land and sea, which the recent plans and views of the Russian emperor seemed to contemplate. In the first place, therefore, he begged to ask the right hon. gentleman, had his majesty's government received information that such acts of exclusion, as had occurred in the case of the American vessels, had been committed by the Russian government? And, in the second place, whether any answer had yet been returned by that government to the protest of Great Britain against its preposterous pretensions? It might be desirable to know, also, whether any negotiations were pending on the subject.

Mr. Secretary *Canning* said, that to the question of fact which had been put to him by the hon. and learned gentleman, he could only reply, that his majesty's government had hitherto received no information upon the matter, except through that channel by which the statement in question had been published to all the world. He had, therefore, no means of verifying the fact on which the hon. and learned gentleman's inquiry was founded. In the second place, as to the situation in which this country stood with Russia, in respect of the general question, it was true, that they had entered a protest against her claim, upon the first promulgation of those principles. That protest had been renewed, both at the congress at Verona, and in subsequent negotiations. Those negotiations were still pending, and in activity at the court of St. Petersburgh.

IRISH TRADING VESSELS—HARBOUR AND LIGHT DUES.] Mr. *S. Rice* begged to call the attention of the late and present president of the Board of Trade to the petition which he held in his hand. That the trade of Ireland should, in all respects, be put on the same footing with that of the rest of the empire, so far as was consistent with a due regard for the revenue, was a principle not to be disputed. It would, however, surprise the House to learn, that the trade of Ireland was subject to a charge amounting to not less than one-sixth on the average of all freights. To show this, he need only instance the trade between Liverpool and Dublin, or Belfast. The vessel from Liverpool to Dublin would have to pay light and harbour dues only once in the year; whereas, the vessel coming into the port of Liverpool, from Belfast or Dublin, would have to pay the same dues every trip, as if she were a foreign ship. He knew a case in which a single shipping proprietor had had to pay on this account, for a vessel entering Belfast, only 28*l.* in the year; but, for the same vessel entering Liverpool, in the course of her trade, the enormous sum of 1,700*l.* He wished to know whether his majesty's government would consider this a proper subject for the consideration of the committee on foreign trade.

Mr. *Wallace* agreed perfectly in the principle, that the trade of Ireland ought to be placed on the same footing as that of England. The matter had already been made the subject of inquiry. The result to which his majesty's government had come was, that the trade of Ireland ought to be placed on the same footing as the home trade of the rest of the empire. He trusted that the committee would speedily be enabled to report on the matter.

Mr. *Ellice* begged to make a remark on the charges to which our shipping was subjected in the colonies. The charge on a ship of 300 tons, in one of these colonies, amounted to nearly 10*s.* per ton; a burthen which was the more objectionable, inasmuch as these impositions were not levied so much for the advantage of the public revenue, as for the benefit of private officers. He had ascertained what were the charges on shipping paid by the Dutch in their colonies; and he could state, that in no instance did they exceed 1*s.* per ton, and that was levied on account of police regulations principally.

Mr. *Huskisson* thought, that nothing could be more desirable than to reduce, as far as was practicable, all charges on vessels trading to our ports, and those of our own colonies. He had heard that these charges were very excessive in many of our colonies; but he apprehended, that the greater portion of them had been imposed by colonial legislatures, without the interference of the government at home. He perfectly agreed, that the trade between this country and Ireland should be placed upon the same footing as the trade between any two ports of England.

Sir *J. Newport* was extremely happy to hear what had fallen from the right hon. gentleman. He had, twenty times, at least, endeavoured to impress on his majesty's government the justice and necessity of placing the trade of Ireland on the same footing with that of the rest of the empire.

The petition, which was from Mr. W. L. Ogilby, of Belfast, and which prayed for a revision of the Pilot act, respecting Irish trading vessels, was referred to the committee on foreign trade.

TAX ON TALLOW CANDLES.] Mr. *Sykes* said, he rose, in pursuance of a notice he had given on a subject upon which he had once before addressed the House. He was not disposed, however, to be very sorry for his disappointment on that occasion, being convinced that he now stood on more favourable ground than he did last session. At that time, the language of government was, that the condition of the community would only be rendered worse, by any attempt to relieve the distresses of the country by reducing taxation. He was now, however, happy to say, that the government asserted principles of a more pleasing sound, and more beneficial nature. In his majesty's speech from the throne, at the commencement of the present session, it was announced that a large reduction of taxes would take place; and ministers themselves had announced the fact, that the only mode in which the condition of the most suffering of all the interests in the community could be ameliorated, namely, the agriculturists, was by reducing the taxes. Parliament, therefore, had now come to the right and sound conclusion as to the means of relief. That they consisted in a remission of the taxation by which the country was oppressed, was a point that he should assume to have been generally conceded. The only remaining question, therefore, regarded the mode and objects of that reduction, and whether such reduction had yet taken place, as the country had a right to demand at the hands of parliament. He, for one, was free to acknowledge his great obligations to the government for having repealed a large proportion of the assessed taxes; but he must be allowed to say, that the relief which they had proposed to give by such repeal, had not been felt in the right place. It was not a relief directly or immediately to the agricultural interest, nor such as would diminish the expense of raising the produce of the country; for as to taking off the taxes on carriages, hunting horses, &c., in what way could that enable the industrious farmer to bring his produce to market at a cheaper rate? But, while he suggested this, he meant not to say, that the arrangement which had been made by government ought to be at all impeded or interfered with. He meant only to show in what respect it was not effective for one of the principal purposes to which it was intended to go; for he maintained, that no substantial relief had been yet administered to agricultural distress. It was to him a most consolatory assurance, that this country was to remain neutral amidst the present agitations of Europe. Without entering into the details of the conduct which had been pursued by ministers, he must say, that he thought they had done perfectly right in endeavouring to maintain the empire in a state of peace with foreign powers; at least until a war was rendered absolutely necessary. The great advantage of peace was, that it enabled parliament to revise the taxation of the country, and to look into its financial situation. The great mischief of our going to war, would have been, that, incumbered as the country already was, it would have been next to impossible to apply any great diligence to that investigation. Our remaining at peace, therefore, was one argument why the House should proceed to see whether government had gone as far as possible in the way of reducing taxes. He could not go down, for his part, to face his constituents without having previously made every exertion to induce parliament to give them relief in the only way that relief could be effectual.—He would now proceed to state, why he thought that the repeal of the duty upon tallow-candles would be, as far as it went, a relief to the country, and such as it had a right to demand. This duty was one not of very great amount; but if that was to be made the ground of an objection to remit it, he should retort upon the government, that it was but little for them to give. It was, however, a tax which, if any tax could properly be withdrawn from the general taxation of the country, ought to be repealed. The annual amount of the duty on candles in England was 375,000*l.* gross; and 313,000*l.* was the nett sum actually paid into the Exchequer. In Scotland, the gross amount of this duty was 20,000*l.*, and the nett, 16,500*l.*; and here the House would observe a very remarkable difference in the amount of duty between the returns for the two countries—that of Scotland being about 1-20th of the other. The total gross duty for England and Scotland was 395,000*l.*; and the total nett receipt into the Exchequer, 829,500*l.* the total difference between the gross and nett receipts being 65,500*l.* In Ireland, he believed there were no candle duties whatever; but he trusted that the Irish members would be that night just to the characteristic generosity of their country, and not refuse their support to his motion, because in Ireland candles paid no duty at all. The difference between the gross and nett receipts on account of this tax, as raised in Great Britain, was very large indeed. It was a principle well understood in political economy, that where a vast difference existed between the gross and nett receipts of any branch of revenue, it must show something bad in the tax itself, or in the mode of its collection. Now, the cost of collecting the tax on tallow exceeded, he believed, that of any other branch of our excise. The whole of the excise revenue was collected in this country at about 3*l.* 16*s.* 1*d.* per cent; but the duty on tallow candles cost in the collection 17½ per cent, on the gross, and 20 on the nett receipts; being nearly five times more than that of any other branch of revenue. The tax was also in its application a most oppressive one to those on whom all taxes ought to be made to press with the least severity—the poorer classes. The rich had wax lights, spermaceti lights, gas lights, and other modes of illuminating their chambers, by which philosophy administered to the luxury of the age; but the poor man had only his farthing candle, or the more scanty light from his small fire. Now, he contended, that the duty on tallow-candles generally, but more particularly on that kind of candle which the poor man used, was most oppressive in its operation. There were, the House knew, two kinds of tallow candles—dip candles and moulds; but as the duty was at present arranged, it fell most heavily on the former kind, and of course on the poor by whom that light was almost entirely consumed. Another objection which he had to the tax was, that it was a tax on labour. In the winter season, a great portion of the labour of the poorer classes was performed by candle-light; and he could cite many cases where individuals, whose earnings did not exceed eighteen or twenty pence a day, were obliged to expend three-pence of that miserable pittance in the purchase of candles. Besides this, the tax was extremely vexatious in the mode of its collection. There was, he believed, no branch of business within the operation of the excise laws, in which more difficulties were thrown in the way of the manufacturer. This was obviously the less necessary, seeing that, of all species of manufacture, that of candles was, perhaps, the easiest. So much so, that he had no doubt, if the duty was removed, the practice of making their own candles would be adopted by most families. Mr. Evelyn, in his Memoirs, when describing the domestic economy of the house of Beaufort, mentioned the making of candles as one. But, to return to the pressure of the act upon the manufacturers. It was complained of by them, that by certain clauses in the act, they were rendered liable to penalties of 100*l.* for omitting particular forms of moulds, and modes of arranging them. Now, the effect of these difficulties pressed not merely on the manufacturer, but also on the consumers generally; for in proportion to the cost, trouble, and risk of his business, would he naturally oblige the consumers to pay for the article. The hon. member here read part of a letter which he had received from a respectable manufacturer of candles, in which the writer, after pointing out many of the objections to which he had alluded, added, that some of the difficulties with which the manufacturer had to contend were too much for any tradesman to bear. The writer pointed out the great number of oaths which the manufacturer was obliged to take, and gave as an instance, that he had himself taken no fewer than thirty-three oaths since last July. In conclusion, the writer expressed his conviction, that if the duty was reduced, the consumption would increase in a very considerable degree.—It might be said, in answer to his motion for the repeal of the tax, that it was one of a very long standing—that it had already existed for a century; but this was no answer to his argument, particularly at a time like the present, when the principles of legislation were much better understood than they were formerly. It might also be asked of him, if he removed this tax, which amounted to about 340,000*l.*, what he would propose as a substitute? To this he would answer, that he was not Chancellor of the Exchequer, and that if he pointed out the general impolicy of the tax, it was the duty of government to remove it, and provide a substitute. If, however, he were forced to name a substitute for the tax, he would say, that government were not without an abundant store, out of which they might supply the deficiency created by the repeal. He would say, that they had it in a more economical management of the public resources; in a greater reduction of useless places, and of the large salaries attached to some which were necessary. In carrying into effect that fair and necessary system of economy, objections would, he knew, be made. He recollected the excuse that had been made for the salary of an hon. gentleman (Mr. T. Courtenay) by the right hon. secretary; he said that his hon. friend had ten children, and therefore his salary was not to be touched. Again: affection towards his royal father was made the excuse for keeping up the salary of his royal highness the duke of York: the filial attachment of the one, and the paternal affection of the other, were made the grounds of keeping up the burthens of the country. His wish was, to relieve the country from the burthen of the tax on tallow altogether. It had been suggested by his hon. friend (Mr. Curwen), that the tax might be substituted by an increase of the duties on the importation of tallow. For his own part, he did not wish to shift the burthen from the shoulders of one party to those of another. However, if the tax could not be got rid of, he would prefer the suggestion of his hon. friend, by which at least, the pressure of the tax would be rendered more equal. The hon. member concluded by moving, "That leave be given to bring in a Bill to repeal the Tax on Tallow Candles."

The *Chancellor of the Exchequer* said, he would state, as briefly as possible, the grounds on which he thought it highly inexpedient to repeal the duty. The first was, that the revenue of the country was not at present in a condition to spare 350,000*l.*, the amount of the tax; and he could not agree that it was a tax which pressed heavily upon the public. On the contrary he was prepared to say, that if the revenue were at present in a situation which would enable government to remit so large an amount of taxation, there were other branches of it which required to be relieved infinitely more than that under consideration. The hon. member had done justice to the government, in admitting that they had shown a disposition to relieve the public by the remission of taxation to a very considerable amount. He, however, as one member of it, did not consider himself entitled to any praise on that account, beyond what belonged to his predecessor in office. It had been his good fortune, when he came into office, to find the revenue in that situation which enabled government to effect the very considerable reductions they had made. But independently of these reductions, which already amounted to 2,300,000*l.*, it was intended to make a further reduction on the duties upon Scotch and Irish spirits. Now, considering the large amount of revenue derived from this source, it was natural to expect that the reduction would at first, though not eventually, create some diminution, which it would be highly improper to increase, by giving up other duties to the amount proposed by the hon. member. The hon. member complained of the tax as odious and oppressive, and had ridiculed the idea of defending it on the ground that it had been imposed a century ago. He certainly did not defend it on the ground of its antiquity; but when he found that it had existed for a century; that it had not been increased within that time; that the amount of revenue derived from it had improved yearly; and that no complaints had been made against it, he did not see, particularly as the state of the revenue could not afford it, any good reason why it should be given up.—The hon. gentleman was mistaken, in supposing that the difference between the gross and the nett receipts of the tax was absorbed by the cost of its collection; for a great portion of this consisted of drawbacks on exportation, and returns of different kinds. But, even if the hon. member had been correct on this point, still he would repeat, that there were other taxes which, if the state of the revenue permitted, called much more imperatively for repeal, as being much more generally felt, and complained of. The hon. member might recollect the numerous petitions which had been presented to the House this session, complaining of the operation of the duties on coals, beer, tobacco, and other articles. All these were much more loudly complained of than the one he sought to repeal. Let him also recollect, that there was another tax of about the same amount—the remaining duty of 2*s.* a bushel on salt—which would expire in January 1825. Now, assuming that the country might be in a situation to give up that tax at the time mentioned, then there would be a diminution of revenue, if the tax on candles were also repealed, to the amount of 700,000*l.* He thought it better to let the tax remain as it stood; and it would be for the consideration of parliament, at the expiration of the salt-tax, whether it might be better to give up that or the duty on candles. Another objection which he had to making so great a diminution of the revenue, was founded on the intention of government to get rid of one mode by which they had hitherto raised a part of it—he meant the lottery [Hear, hear.] He should propose the lottery resolutions this year for the last time [Cheers]. That intention of government could not, however, be carried into effect, if the hon. member's proposition for the repeal of the duty on candles was adopted. He fully concurred in the sentiment expressed by the hon. gentleman, respecting the necessity of making every practicable saving in the collection of the revenue, and in diminishing our other expenses in every way consistent with the efficient performance of the public service; but if by any reductions which could be made on these heads, the whole amount of the tax on candles could be saved, he thought he would do much better to apply the result to the remission of taxes which pressed much more heavily on the public. He thought it was no very strong argument in favour of the repeal, that it would induce persons to follow the example of a former duke of Beaufort, who made the manufacture of candles a part of his domestic economy. He for one had no such wish that such should be the case; and he believed that those who might try the experiment would not find their candles much cheaper for being made in their houses. For the reasons he had stated, he should negative the motion.

Mr. *Curwen* said, he was opposed to the duty on candles, because he thought it pressed with great severity upon the poorer classes. The Chancellor of the Exchequer had completely blinked the question. He had talked of the relief afforded to the country from taxation; but that relief was almost confined to the richer classes. The labouring poor felt little benefit from it; but relief to those classes was of importance; for unless the labourer was relieved from some of the heavy burthens which pressed upon him, it would be absolutely necessary to increase his wages. He was glad to hear that it was the intention of government to give up the lottery; but he did not think they were entitled to any great credit on this point. If the tax on candles could not be given up, he thought that by increasing the duty on the importation of foreign tallow, and that on mould candles, the government might be able to give up that on dipped candles, which pressed with peculiar hardship on the poor.

Mr. *Monck* supported the hon. mover, who, in his opinion, had made out as complete a case as had ever been submitted to the consideration of parliament.

The motion was negatived without a division.

CRIMINAL LAWS.] Sir *J. Mackintosh,* after a few preliminary remarks regarding the difficulty of attracting the attention of the House to so hacknied a subject as that upon which he was about to address it, said, that the first public discussion at which he had been present after his return from India, was a discussion in another place, upon a measure of his late lamented friend, sir Samuel Romilly, tending to ameliorate the existing state of our Criminal Laws. In the course of that discussion, he had heard it stated, in an excellent speech made in favour of the principle for which he was now prepared to contend, that if a foreigner were to form his estimate of the people of England from a consideration of their penal code, he would undoubtedly conclude that they were a nation of barbarians. This expression, though strong, was unquestionably true; for what other opinion could a humane foreigner form of us, when he found, that in our criminal law there were two hundred offences against which the punishment of death was denounced, upon twenty of which only, that punishment was ever inflicted —that we were savage in our threats, and yet were feeble in our execution of punishments—that we cherished a system, which in theory was odious, but which was impotent in practice, from its excessive severity—that, in cases of high treason, we involved innocent children in all the consequences of their father's guilt—that in cases of corruption of blood, we were even still more cruel, punishing the offspring, when we could not reach the parent—and that, on some occasions, we even proceeded to wreak our vengeance upon the bodies of the inanimate dead? If the same person were told, that we were the same nation which had been the first to give full publicity to every part of our judicial system—that we were the same nation which had established the trial by jury, which, blameable as it might be in theory, was so invaluable in practice —that we were the same nation which had found out the greatest security which had ever been devised for individual liberty, the writ of *habeas corpus*, as settled by the act of Charles II.—that we were the same nation which had discovered the full blessings of a representative government, and which had endeavoured to diffuse them throughout every part of our free empire—he would wonder at the strange anomalies of human nature, which could unite things that were in themselves so totally incompatible. If the same foreigner were, in addition to this, told, that the abuses which struck so forcibly on his attention were abuses of the olden time, which were rather overlooked than tolerated, he might perhaps relent in his judgment, and confer upon us a milder denomination than that of barbarians; but if, on the contrary, he were told, that influence and authority, learning and ingenuity, had combined to resist all reformation of these abuses as dangerous innovations—if he were informed that individuals, who, from their rank and talents, enjoyed not an artificial but a real superiority, rose to vindicate the worst of these abuses, even the outrages on the dead, and to contend for them as bulwarks of the constitution and landmarks of legislation, he would revert to his first sentiments regarding us, though he might perhaps condemn the barbarism of the present, instead of the barbarism of the past generation. He would take the liberty of reading to the House a short description of the law of England, by a native of another country, in which its imperfections were ably and pointedly exposed to public view. The learned gentleman then read a passage, of which the following is the substance: —"The criminal code of England in many respects was admirable and well adapted for the object which it had in view. Its judges were pure and placed beyond the reach of suspicion: they acted by the intervention of a jury, and were open to the censure of an acute bar, and to the control of a free press. The system, however, had its imperfections: it contained some relics of antiquated barbarism, and others of scarcely less barbarous modern misdirected legislation. There was no proportion observed by it in the punishments which it awarded to offences. Many small delinquencies were raised to the rank of capital crimes, and the same vengeance was denounced by the law against the offender who destroyed a tree, or cut down a twig, as was denounced against the wretch who committed a parricide. Laws of undue severity were also unduly executed; and the consequence was, that when a hundred individuals escaped, and one fell under the vengeance of the law, the fate of the individual who so fell was considered as an act of arbitrary rigour, instead of being considered as a sacrifice required by justice. He was regarded as a martyr, rather than as a victim to the offended majesty of the laws." Such was the opinion of an individual who, by his professional occupations and abilities, was entitled to some respect upon this subject, and who enjoyed such a reputation with those who knew his merits, that all praise at his (Sir J. M.'s) hands was totally unnecessary. The individual to whom he alluded was his eloquent friend Mr. Cranstoun, and the mention of his name rendered all further eulogy on his character quite superfluous.

The learned gentleman then said, that to be perfectly in order with the House, he ought to have moved, before he commenced his observations on this subject, that the resolution of the House upon it, on the 4th of June, 1822, viz. "That this House will, at an early period of the next Session of Parliament, take into their most serious consideration the means of increasing the efficacy of the Criminal Laws, by abating their undue rigour," should be entered as read. He would now suppose that it had been so read, and would proceed to remind the House of what they had already done upon this subject. In the year 1819, the House, upon his motion, appointed a committee to examine into the state of the criminal law of the country, on the express allegation, that considerable defects existed therein, and appointed it in express defiance of an allegation that was then made, that such an inquiry as he proposed was calculated to paralyze the operation of the laws, and to hold them up to public scorn and indignation. In the year 1820, in consequence of the report of the committee appointed in the former session, some bills were brought into that House and passed, which little satisfied his views and wishes on the subject. Small and scanty as the reformation then effected was, it was the only reformation of the severity of the law that had been effected since the reign of Edward VI. For two hundred and fifty years, the House had proceeded, year after year, to heap one capital felony upon another; and in all that time, down to the year 1820, the first year of the reign of his present majesty, no repeal of any capital felony had ever been made, or attempted, with success. Amongst the felonies which, after the passing of those bills, were no longer to be considered capital, were comprised several crimes which were of a very heinous nature, and which could not be committed without grave forethought and deliberation on the part of the offender. Fraudulent bankruptcy, for instance, was a crime which excited as little compassion for the party who committed it as any that could be found in all the black catalogue of offences, and was one which could not be effected without due consideration on the part of the individual who meditated it. It was not, therefore, from any feelings of compassion towards the offender, that the capital punishment attached to this kind of felony had been repealed, but from a conviction, that the severity of the punishment gave impunity to the offence, and that the undue rigour of the law absolutely tended to defeat the object for which it was enacted—a principle which, as it had before been recognized by the House, he trusted it would not be reluctant to re-affirm on the present evening. In the year 1821, all that was effected was, to obtain the approbation of a majority of that House, to the principle of the necessity of altering the punishment inflicted upon certain cases of forgery. The bill, however, which was brought in upon that occasion, was subsequently thrown out by a stratagem, of which he would say nothing more than this—that it was perfectly inconsistent with the usual practice of parliamentary proceedings, where no political interest was at stake. In 1822, the House adopted a general resolution—that it would, at an early period of the ensuing session, take into its serious consideration the means of increasing the efficacy of the criminal code, by abating its undue rigour; and that resolution it was his duty, perhaps at an earlier period in the present session, to have called upon the House to carry into execution. Circumstances, however, which he would not trouble the House by detailing, had prevented him from bringing the question under their consideration until the present moment; and he should not even now proceed to the discussion of it, until he had called their attention to another case, which was almost as bad as fraudulent bankruptcy. He had, by some accident or another, seen that a bill was now under consideration in another place, for a new regulation of the law of marriage. He approved of that bill, because it repealed the act of the 26th of Geo. II., which was a disgrace to the English law, as it established the principle of voiding marriages, and thereby enabled any heartless profligate to spread misery through families, and to rob them of their just inheritances. In 1820, he had attempted, but in vain, to obtain the repeal of five capital felonies created by that act. He was happy to see that they were abolished for ever by the bill to which he had just been alluding. When he ventured to propose their abolition, he was censured and abused, as a rash innovator who was anxious to destroy the principal provisions of an act which guarded the sacred institution of marriage. Not only had his bill been strongly reprobated in parliament, it had also been attacked by much eloquent declamation out of it. But still, in spite of the opposition which it had encountered in parliament, and the mingled powers of argument and ridicule that had been brought to play upon it elsewhere, they now found that those from whom such an admission was least to be expected, admitted the principle on which it rested, and agreed with them, that the best mode of giving efficacy to the laws was, to diminish their undue rigour. They had therefore obtained this advantage, that their very opponents recognized the justice of the principle on which they acted —"*Graiâ pandetur ab urbe.*" By the delay, of which he had unintentionally been the occasion, he had gained in his favour the authority of those who were the enemies of innovation in their own, and of reformation in his language. If, therefore, in the course of the debate, any hon. gentlemen should taunt him with being an innovator, and with entertaining desires to overthrow the constitution, he should reply to them by saying, "I appeal to your own patriarchs and elders; I appeal to the leaders of your own sect; and I say that their decision is full in your teeth and in my favour. On two distinct occasions—first, on the bill respecting fraudulent bankruptcy, and now on this, their new law of marriage, they have solemnly pronounced their opinion, that the best method of increasing the efficacy of the law is by abating its undue rigour. Why, then, taunt me as an innovator, when, if I do innovate, I innovate under the sanction of your patriarchs and teachers?"

The hon. and learned gentleman next proceeded to observe, that, in 1822, he had been told, that the abstract proposition which he then brought forward was calculated to paralyze the laws, and to suspend their operation. Now, nothing of that kind had occurred. Indeed, year after year had such a prediction been made, and year after year had it been falsified. Whenever the question was brought forward, this self-same objection was made to it, and the interval that elapsed between the time of discussing it always showed that there was not the slightest weight in it. Standing, therefore, upon the decisions to which the House had so repeatedly come of late years, he would contend, that if ever there was a case in which it was bound to preserve its own consistency, it was that on which he was at present speaking. They had before admitted, that there was undue rigour in the present state of the law, and that the best mode of relief was by abating it. What was it that he now felt called upon to propose to them? He would answer the question as shortly as possible. Adhering to the principles he had formerly laid down, he felt himself called upon to submit to the House, first of all, a proposition which would embrace a recognition of the propriety of all the particular measures which the House had formerly thought it right to adopt; and secondly, a proposition which would carry it somewhat further, and in which he should embody such small additions of detail, as would lead those who blamed him to blame him for lukewarmness rather than for rashness—for an error in deficiency, rather than for an error in excess. Though the propriety of abating the undue rigour of the law had in its favour the authority of all the wisest men who had either written or spoken on the subject, there was something startling in the proposition to those who only thought slightly upon it, which would, perhaps, render his illustration of it not unacceptable. There could not be a greater error in criminal legislation, than to suppose that the mischief of an action was to be the sole regulator of the amount of punishment to be attached to it. For a punishment to be wise, nay even to be just, it must be exemplary. Now, what was requisite to make it exemplary?—that it should be of such a nature as to excite fear in the breast of the public. But, if it excited any feeling that was capable of conquering fear—for instance, if it excited abhorrence—then it was not exemplary, but the reverse. The maximum of punishment depended on the sympathy of mankind; since every thing that went beyond it reflected discredit on the whole system of law, and tended to paralyze its proper operation. What was the cause of the inefficacy of religious persecution?—that it inflicted a punishment which was felt to be too severe for the offence which it was intended to check: that it had no support in the sympathies of the public; but on the contrary injured and outraged them all. That was the cause that "the blood of the martyr always proved the seed of the church." People felt that opinions, if correct, ought not to be met by force; and if incorrect, they would sink into oblivion if force were not employed to put them down—"*Opinionum commenta delet dies, naturæ judicia confirmat*." He thought that the total inefficacy of persecution to check the growth of opinions—a persecution which always made the martyr be considered as a hero, and the law as a code of oppression and tyranny—served also to prove, that laws of undue severity could in no instance effectually serve the purposes for which they were enacted. To ensure them full efficacy, they ought to be in accordance, not only with the general feelings of mankind, but with the particular feelings of the age; for if they were not so supported, they were certain to meet with its contempt and indignation.

The hon. and learned gentleman then proceeded to show, that nothing was more false than the arguments usually urged in behalf of punishments: namely, that the crimes which rendered them necessary were the result of great deliberation. He thought that the contrary was the fact, and that in general offenders were hurried away by the strong passions that were implanted in their nature, and that "grew with their growth, and strengthened with their strength." The law was then most efficacious when it served as a school for morals—when it attracted to it the feelings of all good men, and when it called silently, but powerfully, upon all such to assist in its administration. Now, he would ask, what was the lesson to be derived from a consideration of the criminal law of England? Why, that the man who cut down a twig, or injured a cherry-tree, or stole a sheep, or he would even say forged a note, was as black a criminal as he who murdered his father, or betrayed the interests of his country to a foreign enemy. He acknowledged that this conspiracy of the law of England against the principles of nature was not successful. The feelings of nature in the people of England prevailed over the immoral lessons taught by its penal law. That law would be detestable in its success, and was now contemptible in its failure. He had always thought that there was an under-statement of the argument, on the part of those who contended that an alteration in the law was necessary. They had stated, that a mitigation of it was principally required by the reluctance of prosecutors and witnesses to come forward to prosecute, under the present severe statutes. They had forgotten, however, to state the effect produced on the feelings of the spectators. They had forgotten to state, that they rose in arms, not merely against the charge, but against the verdict of the jury, and the sentence of the judge. They had forgotten to state, that the law was thus made an object of that abhorrence, which ought only to be attached to crime; and that, instead of resting for its support on the aid of good men, it rested on the fear of the gibbet alone. The hon. and learned gentleman then complained, that under the present system of law, proportionate punishments were not assigned to different offences; and contended, that heavy punishments inflicted on crimes of a smaller degree of delinquency; lessened the effect of it when inflicted on crimes of great atrocity. It was curious to reflect, that lord Hale spoke of England—with reference, of course, to the time in which he wrote—as the country of all others in which the laws were most literally executed, and least committed as to their effect *arbitrio judicis.* Now, how matters were changed! From four capital felonies upon our Statute book, we had come to 200; and, instead of being the country of the world where the laws were most literally carried into effect, and least dependant upon the will of judges, we had become the country of all the world in which they were least literally executed, and in which the life and death of man was the most frequently intrusted to the feeling of an individual. These arrangements had no foundation in the principles of British jurisprudence: they were contradicted by the spirit of *Magna Charta:* they were hostile to the principles of the first writers on the subject of criminal law: they were but the mushroom growth of modern wantonness of legislation. As a test of the antiquity of the existing criminal code, he would take the result of his intended proceedings. He wished to abolish the punishment of death, as applied to a great variety of offences; and yet there were only two statutes with which he should meddle, which were older than the Revolution. Then, if these laws had no foundation in antiquity, what foundation had they in wisdom? Why, they had neither any foundation in policy nor in common sense. There had been, in the present age, an immense multiplication of capital punishments, just at the very time when society was growing more civilized and humane, and wanted old severities of the law repealed, rather than new ones enacted. He did not accuse parliament of cruelty or bad feeling; but he accused them of negligence—culpable negligence. He accused them of having overlooked that deep regard for the life and liberty of man, which, while it gave the strongest effect to occasional inflictions of the law, formed, at the same time, the best safeguard for the moral feeling of the community.

To look in another view, for a moment, at the progress of the present system. The oldest reports of criminal law were the tables of the home circuit, begun in the year of the Revolution, which were to be found in the appendix to the report of the criminal laws committee. Those tables began in the year of the Revolution. It appeared that, during the first forty years from that date, more than half the persons capitally convicted upon the home circuit had been executed; during the last forty years, the proportion of executions to convictions upon the home circuit had not been more than one in four; and, taken throughout the kingdom, not so much as one in ten. Indeed, as the number of capital convictions went on increasing, the number of executions kept diminishing; for the laws were so obviously barbarous, that it became absolutely necessary, by some expedient or other, to render them nugatory. It was absolutely a fact—deny it who could—that, as the severity of the penal laws increased, the impunity of crime increased along with them. He would not press this general portion of the subject much further, nor advert to ancient laws, or to the codes of foreign countries, any more than was necessary to explain something which had fallen from him last session. He should not be suspected of selecting the Hebrew law as a model for the law of other nations; but he liked the Hebrew law for the reverence which it paid to liberty and to human life. The felony of the Hebrew code was the shedding of blood; the only theft which that code punished with death was the stealing of men; all other thefts were to be commuted for twofold or for fourfold restitution. He looked upon the Hebrew law, in its aversion to the shedding of blood, as entitled to the highest veneration. He would not pause upon the ancient Roman law, so remarkably merciful on the same point; but upon that modern law—the law of France—which now prevailed half over the continent, it was impossible for him not to dwell for a moment. Six crimes, by the French law, were punishable with death—only one of them a theft; and that a burglary of such complicated circumstance as could seldom, if ever, take place. He had tables, from the year 1811, of the number of capital convictions which had taken place in France, and similar documents with respect to this country. In the year 1811, there had been 404 sentences of death in England, and 264 in France, the population of Great Britain being twelve millions, and that of France twenty seven millions: in the year 1820, the sentences of death in England had been 1,236, and in France 361 only; so that, in the course of nine years, the amount of capital conviction had trebled itself in England, while in France the increase had been something less than one-third. He did not attribute this variance entirely, but he certainly did trace it in a very great degree, to the difference between the French and English criminal codes. He denied that the fact warranted any inference of the superior morality of the French over the English character. With regard to the police, as far as related to the prevention of crime, it had been not at all improved in France during the last nine years; while in England it had been improved considerably. He traced the difference mainly to the ill effect of the English criminal code: he believed that if France had lived under the same code as England, she would have had as many convictions; and he thought that the example of France authorized him at least to use this argument. If the House would not believe that great good could be done by lessening the catalogue of capital offences, it must, at any rate, admit, that no evil was to be apprehended from such a course. The hon. and learned member said, he should next state to the House the resolutions which he intended to move. With the substance of those resolutions, the honourable gentlemen on the other side were acquainted. What those gentlemen themselves had to propose, he did not know. His first resolution would declare in general terms, that it was expedient to take away the punishment of death in a certain number of cases which would be specified; he should then move to substitute, in those cases, the punishment of transportation or imprisonment; and he should add two resolutions, of which he trusted the House would approve—the one recommending, that judges should not pronounce sentence of death in cases where they had no expectation of such sentence being carried into execution: and the other doing away the forfeiture of goods and chattels, and the indignities offered to the dead body in cases of suicide. The cases in which he proposed to take away the punishment of death were these. He should put his resolutions into such a shape, as to found a bill eventually upon each resolution. The cases as to which he proposed to take away the punishment of death were; first, those three classes of offences with respect to which bills had so often already passed the House; namely, larceny from shops, from dwelling houses, and on navigable rivers. Secondly, he should touch all the felonies contained in the Black act, except the wilfully setting fire to dwelling houses, and the maliciously shooting. His next resolution would embrace the five felonies created by the Marriage act. Afterwards, he should come to all those capital felonies proposed to be done away by the committee on criminal law; the measures which he was thus proposing, having in fact already received the assent of the House of Commons, although they had been lost in the upper House. And he should besides move resolutions with respect to the crimes of forgery, and of uttering forged instruments, and three other capital offences, viz.; horse-stealing, sheep-stealing, and cattle-stealing. Upon the subject of the larcenies from shops, dwelling-houses, and on navigable canals, he had a few observations to address to the House. The executions under those laws for the last fourteen years had been, compared with the convictions, just one in sixty-six; and it had been very truly said, that they operated as a surprise upon the sixty-sixth man, who suffered, but not at all as a terror or warning to the sixty-five who escaped. In fact, a law under which one criminal out of sixty-six was executed, was a law to all practical intents and purposes given up; and the execution of the sixty-sixth man was nothing else than a wanton and criminal waste of human existence. He objected strongly also to the principle of making the amount of property stolen any criterion for the punishment inflicted upon an offender. There was no greater moral depravity in stealing a large sum than a small one; nor was it fit that the treasures of the rich should be more strongly guarded, than the comparatively small possessions of the poor. He was far from imputing to the legislature, or to the judges, any sentiment inconsistent with equal justice; but laws should not only be just, they should appear to be just; they should not only not be unequal, they should be above the suspicion of inequality. There was the less reason for inflicting a greater punishment in proportion to the amount of property stolen, as persons in possession of larger property had also better means of securing it. Another objection to making the amount of property the criterion of guilt and punishment was, that it opened a temptation to those pious frauds under which juries, from humane motives, so often violated their oaths, by verdicts of acquittal. The mind easily persuaded itself, that there was no great immorality in undervaluing a little the property stolen, and compassion would, in such cases, induce juries to violate their most sacred duty; whereas, if the punishment were dependent on substantial facts and circumstances instead of the amount of property, they could not hesitate to convict. And, while he was upon this subject, he would make one observation upon the statute of the 1st George 4th, which, as it had originally passed the House of Commons, took away the punishment of death for stealing privately in a shop, and in which the lords had made an alteration, changing the felony from an amount of *5s.* to an amount of *15l.* Now, the constant observation made, in justification of the old law was, that it was necessary to protect the small property of poor traders from general depredation. A noble and learned lord had said, in the other House of Parliament, that the statute, which made the offence of privately stealing in shops to the amount of *5s.* capital, was the great safeguard of the retail trade of the country. The whole retail trade of the country, then, was abandoned by the 1st of George 4th; all the property of poor traders was given up to depredation by that act which raised the amount from *5s.* to *15l.* In shops, however, attached to dwelling-houses, which was so in 99 cases out of 100, although the offence could no longer be prosecuted under the statute of William, it might be prosecuted under the statute of Ann, if the sum stolen exceeded *40s.*; so that the statute of George 4th raising the sum to *15l.* was, in effect, reduced to a dead letter. He did not, in stating this fact, arraign the legislature, or the construction which had been adopted by the judges; but he stated it as an additional reason for repealing that statute.

The next resolution repealed the offences in the Black act, with the exceptions which he had already stated to the House. Honourable members need only read the preamble of this statute to be convinced of the expediency of such a repeal. The preamble stated, "That whereas certain persons called Blacks go about with their faces disguised, &c." Now, he would ask, whether there ever was a law which more completely bore upon its face the marks of a temporary enactment? Were there any persons called Blacks from whom any danger was to be apprehended at the present moment? And if not, what did the existence of such a statute prove, but the unfortunate pertinacity with which bad laws when once adopted were adhered to? He was aware it may be said, that this act was made perpetual by the act of Geo. 2nd; but, the circumstances should be recollected under which that act was made perpetual. It was made perpetual at the end of the session of 1758, when bills were much less discussed than they were at present, and after a very remarkable circumstance which occurred a few months before—he meant the threatening letter sent by a man named Barnard to the duke of Marlborough. With regard to the repeal of the punishment for offences arising out of the Marriage act, he did not think it necessary to make any further observation; nor should he do more than merely name the statute of 21 Jac. 1st relative to fines and recoveries; of 6 Geo. 2. c. 37, relating to cutting down banks of rivers, and some other statutes enumerated in the resolution, which he proposed to repeat. The next offences, the capital punishment of which he proposed to repeal were those of sheep stealing, horse stealing, and cattle stealing. With regard to cattle stealing, it was a remarkable fact, that the agriculture and pasturage of this country reached their greatest prosperity before the year 1740, when the statute inflicting capital punishment for this offence first passed. Now, if such had been the flourishing state of the country in this respect for so many centuries, what could make such an enactment necessary in the last century? In point of fact, the condition of the country made it less necessary than ever; for the quantity of unenclosed ground was much greater anciently than it had been during the last century. The facilities for sheep stealing and cattle stealing were formerly greater, and consequently the necessity was much greater of inflicting the severest punishment. He must acknowledge that the punishment of horse stealing had the advantage of antiquity on its side. It was the only merit which it possessed, and it was a claim to respect of which he had no wish to deprive it. The average proportion of executions to convictions in these cases amounted to one in thirty; a proportion which was in his opinion decisive as to the necessity of repealing the existing laws. What greater degree of moral certainty could any man desire, in the ordinary transactions of life, than the probability in his favour of thirty to one? And he would ask, whether any man about to commit a crime was likely to be deterred by the infliction of punishment in one case out of thirty? The selection of a particular case for punishment depended upon circumstances the most fluctuating and unsteady; such, perhaps, as the particular temper and opinions of the judge, the peculiar necessity which might exist for making a signal example in some particular district, or the importunities which might be made to the judge for the purpose of protecting property, on his leaving the assize town. All these were circumstances which might influence the administration of justice at the particular moment, but which, considered with reference to general principles of criminal law, he could not but regard as a complete abomination. That the life of man should depend on temporary or local policy, on the necessities of a particular district, or the interests of particular classes, was a principle utterly inconsistent with justice and humanity, and tending to confound all our notions of right and wrong.—There was another circumstance which characterised these offences. They were offences of an obscure nature, not extraordinary in their character, nor likely to be known beyond the district within which they were committed. They were for the most part committed by necessitous persons, who were probably the objects of compassion to their neighbours; and they raised no terror, even if they extended beyond the district in which they were committed. This was the very reverse of the properties of a good punishment. It excited compassion where it ought to produce terror, and it was either unknown, or observed with indifference, in other quarters.

The next resolution declared the expediency of repealing the capital punishment for forgery—a resolution deeply interesting to the policy of public justice, and not inconsistent, he trusted, with a just and commendable regard for the protection of the commercial interests of the country. Having stated, on a former occasion, at considerable length, the grounds upon which he proposed a repeal of the capital punishment for forgery, it was the less necessary for him to occupy much of the time of the House on the present occasion. The House would learn with great pleasure and gratitude to the authors of the act for the resumption of cash payments, the moral effects of that measure, in causing an abatement of the offence of forgery. In the year 1821, 122 persons had been charged with the crime of forgery, 76 had been convicted, and 16 had been executed; in 1822, 63 had been charged with the offence, 36 had been convicted, and only 6 executed. Here was a diminution of one half in the number of persons charged and convicted; and, what was more important, a still greater diminution in the number of persons executed. He conceived, therefore, that the crime of forgery on the Bank might be considered as a crime no longer existing, and with regard to private forgery, he was more and more convinced, for reasons of a particular nature derived from the circumstances of those who committed the offence, that it would be most expedient to take away the punishment of death. The offence was generally committed by clerks living in habits of familiarity with their masters, by persons living under the protection, and frequently by relations, of the parties on whom it was committed, and who were consequently absolutely, and entirely restrained from prosecuting, by motives of kindness and humanity. It could not be denied, that in the course of the last ten years, no capital punishment had excited so much odium, and rendered the administration of public justice so unpopular as that in cases of forgery. The people of England were, in former ages, conspicuous for their attachment to the laws of the country, even in periods of convulsion and civil war; but the numerous executions for forgery had done more than any other single circumstance to alienate the public mind from the administration of the criminal law. He proposed, therefore, to take away the capital punishment in this case, and by that means to restore the attachment and veneration which the people formerly entertained for the laws of the country.—With respect to secondary punishments, their expediency would shortly come under the consideration of the House, when an hon. friend of his should bring forward his motion on the subject of transportation. He could not help congratulating the House, however, on the discovery of a species of hard labour which had hitherto been attended

"Proxima deinde tenent mœsti loca, qui sibi lethum
Insontes peperêre manu, lucemque perosi
Projecêre animas. Quam vellent æthere in alto
Nunc et pauperiem et duros perferre labores!
Fata obstant, tristique palus inamabilis undâ
Alligat, et novies Styx interfusa coercet."

The word *insontes* had so much embarrassed some of the commentators, that they had endeavoured to get rid of the difficulty, by proposing the very opposite sense to the ordinary meaning of that word; but there could be little doubt, that that great master of poetic diction, whose delicacy and propriety in the choice and combination of words were unrivalled, had used this expression with reference to the distinction recognised by the Roman law, between criminals who were guilty of suicide, and those who were untainted by any other offence. There was scarcely any thing which tended more to display the finer feelings of the human mind, than the anxiety of heaping honours upon the dead—of attempting to bestow life upon that in which the natural life was gone; and he knew of nothing which tended so much to keep alive those affectionate and kindly feelings as to pay this respect to the remains of the dead. It was, in fact, one of the safe-guards of morality, and as such could not be interfered with, without the most dangerous consequences. He who could treat the remains of humanity with indignity, or could approve of its being so treated, he could regard in no other light than as being guilty of a very close approach to cannibalism. The opposite of this kindly feeling was the crime of cannibalism, which just in proportion as affection sought to prolong the duration of man, hastened his decay. Alive to this barbarity, which was perpetrated only by man in the lowest and basest form of the savage state, and when his worst passions were roused, were those cannibal inflictions upon that which could not suffer. It was because they were not only at variance with all the kindly feelings of our nature, but because they neither did produce nor could produce any beneficial effect, that he said the remains of this practice in the case of treason were remains of barbarism, and as such called for immediate reformation. If to conduce to humanity was the use of all criminal law and all punishment—and if this was not its use, he knew not what it could be—then a tenderness for the remains of the dead would have a far more happy effect, than all the unmeaning cruelties which could be inflicted upon them. He should say nothing of the influence which public opinion ought to have in the regulations of the criminal law, and the adjusting and balancing of crimes and punishments. There were some who thought that parliament should not be in any way swayed by public opinion: but, it seemed to him that on such a question it was of peculiar value. If public opinion condemned the severity of the law, either it would not be executed at all, or not with effect. On such a subject we ought to appeal to the feelings of men; and it would be unjust in us not to do so. For what he would ask was the use of criminal laws, what their intention, and what the end and object of punishment, if it was not to preserve alive all the good and kindly feelings of men? How again, he would ask, were we to ascertain when the greatest effect was produced, but by an appeal to those feelings? No law which did not make such an appeal could be wise. And would even the fondest advocate of the present state of our criminal law say that it did contain any such appeal? When we awarded the punishment of death for crimes of the blackest description, then the feelings of men went along with us. The parricide, the murderer, the betrayer of his country, might all suffer the highest punishment, and the feelings of men went along with it; but would any man say, that these feelings were not insulted and outraged, when the same punishment was awarded for the cutting down of a cherry tree, the stealing of a sheep, or even the forging of a bank note? The continuance of the crime showed that the penalty of the law had not the effect which was intended, and the disparity of the cases showed that the law ought to be altered. He had devoted his attention long and carefully to our present code, and the more he had done so, the more was he convinced that it required to be brought more into accordance with the feelings of men. He would fain make the penal laws of his country the representative of the public conscience, and would array it with all the awful authority to be derived from such a consideration. He would make it the fruit of moral sentiment, in order to render it the school of public discipline. He would array the feelings of all good men against the dangerous criminal, and would place him in those for whom we were bound to provide—whom nature and society recommended to our care. What did the law of England do in this case? It stepped in to aggravate the misery, and perhaps to reduce the fatherless to beggary: it wrested from them the bread they were to eat; in short, it deprived them of their last and sole consolation under their affliction. It was to be observed, that the forfeiture only applied to personal property—it affected small savings chiefly, for large fortunes were generally laid out in land; so that it left untouched the possessions of the great. Before he proceeded further, he wished to draw the attention of the house to the indignities offered to the dead in cases of high treason. In the only case, since the reformation of the law, the man who inflicted the indignities was obliged to disguise himself, that he might not be exposed to the abhorrence of the spectators. On the occasion to which he alluded, the crowd evinced no symptom of dissatisfaction, until the bloody head was held up to public gaze by a man in a mask. It was the first time the law of England had been carried into effect by an executioner in disguise. This person had been called in as a skilful dissector; but, so great was the disgust at the barbarous operation, that concealment was felt to be necessary.—With regard to the outrages committed on the dead in cases of suicide, he had some doubt whether they were warranted by the law of this country. He had looked into all the text books on this point, and he found no mention of it in Hawkins, a very full writer, not only on the law, but on the practice of his time. There was no mention of it in sir M. Hale, sir E. Coke, in Stamford, Fitzherbert, or Bracton. They all spoke of the forfeiture, but said not one word as to the mode of interment. There was no authority for the legality of inflicting these outrages, except the unsupported assertion of Blackstone. That learned commentator made indeed a confused reference to Hawkins, but Hawkins supported him only in the forfeiture, and was perfectly silent on the subject of interment. But he surrendered the legal question to any gentleman who thought he could gain a petty triumph upon it; for it might, by long custom, have grown into law, though only the remnant of barbarous institutions. The question was, whether it ought to be continued? First he would ask, in what light he was to consider it? If as a punishment, it was only such to the survivors—if it were meant as a punishment to the dead, what sort of punishment was that where there had been no trial, and what sort of trial where there had been no defence? In the second place, the law operated with the greatest inequality. Verdicts of insanity were almost always found in the cases of persons in the higher stations of life: where self-slayers were humble and defenceless, there *felo de se* was usually returned. This might perhaps be accounted for, without any imputation upon the impartiality of juries. First, because persons in high life had usually better means of establishing the excuse for the criminal act. Secondly, because suicide was rarely the crime of the poorer classes occupied with their daily labours. It was the effect of wounded shame; the result of false pride, and the fear of some imaginary degradation. Thirdly, the very barbarity of the law rendered it impotent; for juries would not consent that the remains of the dead should be thus outraged, if they could find any colour for a verdict of insanity. He would ask any gentleman, whatever were his opinions as to the moral turpitude of suicide, whether it was a crime that ought to be subject to human cognizance. It was an offence, the very essence of which was to remove the party from all human cognizance; and the law of England was, he believed, the only law which attempted to stretch its authority beyond the bounds of humanity to include an offence of this kind. The Roman law, with regard to this subject, was very remarkable. It inflicted the punishment of confiscation in all cases of suicide, committed to evade confiscation, which would have been the consequence of conviction for other crimes. This was perfectly just; and it was observable, that the Roman law, not content with silence on this subject, expressly excepted all other cases of suicide from any punishment. In the best age of Roman jurisprudence, there was a rescript of the Emperor Antoninus in these words—"Si quis tædio vitæ, vel impatientia doloris vitam finiverit successorem habere rescripsit Divus Antoninus." The Roman law on this subject of which this rescript was confirmatory, might serve to illustrate a beautiful passage of Virgil, which had a good deal embarrassed the commentators, in which he described that unfortunate class of persons who have terminated their own existence:—

"Proxima deinde tenent mœsti loca, qui sibi lethum
Insontes peperêre manu, lucemque perosi
Projecêre animas. Quam vellent æthere in alto
Nunc et pauperiem et duros perferre labores!
Fata obstant, tristique palus inamabilis undâ
Alligat, et novies Styx interfusa coercet."

The word *insontes* had so much embarrassed some of the commentators, that they had endeavoured to get rid of the difficulty, by proposing the very opposite sense to the ordinary meaning of that word; but there could be little doubt, that that great master of poetic diction, whose delicacy and propriety in the choice and combination of words were unrivalled, had used this expression with reference to the distinction recognised by the Roman law, between criminals who were guilty of suicide, and those who were untainted by any other offence. There was scarcely any thing which tended more to display the finer feelings of the human mind, than the anxiety of heaping honours upon the dead—of attempting to bestow life upon that in which the natural life was gone; and he knew of nothing which tended so much to keep alive those affectionate and kindly feelings as to pay this respect to the remains of the dead. It was, in fact, one of the safe-guards of morality, and as such could not be interfered with, without the most dangerous consequences. He who could treat the remains of humanity with indignity, or could approve of its being so treated, he could regard in no other light than as being guilty of a very close approach to cannibalism. The opposite of this kindly feeling was the crime of cannibalism, which just in proportion as affection sought to prolong the duration of man, hastened his decay. Alive to this barbarity, which was perpetrated only by man in the lowest and basest form of the savage state, and when his worst passions were roused, were those cannibal inflictions upon that which could not suffer. It was because they were not only at variance with all the kindly feelings of our nature, but because they neither did produce nor could produce any beneficial effect, that he said the remains of this practice in the case of treason were remains of barbarism, and as such called for immediate reformation. If to conduce to humanity was the use of all criminal law and all punishment—and if this was not its use, he knew not what it could be—then a tenderness for the remains of the dead would have a far more happy effect, than all the unmeaning cruelties which could be inflicted upon them. He should say nothing of the influence which public opinion ought to have in the regulations of the criminal law, and the adjusting and balancing of crimes and punishments. There were some who thought that parliament should not be in any way swayed by public opinion: but, it seemed to him that on such a question it was of peculiar value. If public opinion condemned the severity of the law, either it would not be executed at all, or not with effect. On such a subject we ought to appeal to the feelings of men; and it would be unjust in us not to do so. For what he would ask was the use of criminal laws, what their intention, and what the end and object of punishment, if it was not to preserve alive all the good and kindly feelings of men? How again, he would ask, were we to ascertain when the greatest effect was produced, but by an appeal to those feelings? No law which did not make such an appeal could be wise. And would even the fondest advocate of the present state of our criminal law say that it did contain any such appeal? When we awarded the punishment of death for crimes of the blackest description, then the feelings of men went along with us. The parricide, the murderer, the betrayer of his country, might all suffer the highest punishment, and the feelings of men went along with it; but would any man say, that these feelings were not insulted and outraged, when the same punishment was awarded for the cutting down of a cherry tree, the stealing of a sheep, or even the forging of a bank note? The continuance of the crime showed that the penalty of the law had not the effect which was intended, and the disparity of the cases showed that the law ought to be altered. He had devoted his attention long and carefully to our present code, and the more he had done so, the more was he convinced that it required to be brought more into accordance with the feelings of men. He would fain make the penal laws of his country the representative of the public conscience, and would array it with all the awful authority to be derived from such a consideration. He would make it the fruit of moral sentiment, in order to render it the school of public discipline. He would array the feelings of all good men against the dangerous criminal, and would place him in that moral solitude where all the members of society should be opposed to him, and where he should have nothing to plead for him but that pity which added weight to his punishment, by showing that it was pure from every taint of passion or partiality.—The hon. and learned gentleman sat down, amidst the cheers of the House, with moving the first of the following resolutions:

1. "That it is expedient to take away the punishment of death in the case of larceny from ships, from dwelling houses, and on navigable rivers.

2. "That it is expedient to repeal so much of the statute 9 Geo. 1, commonly called the Black Act, as creates capital felonies, excepting the crimes of setting fire to a dwelling house, and of maliciously shooting at an individual.

3. "That it is expedient to repeal so much of the statute 26 Geo. 2, c. 33, commonly called the Marriage Act, as creates capital felonies.

4. "That it is expedient to repeal so much of the statute 21 Jac. 1. c. 26, relating to fines and recoveries; of 6 Geo. 2, c. 37, relating to cutting down banks of rivers; of 27 Geo. 2, c. 15, relating to threatening letters; of 27 Geo. 2, c, 19, relating to the Bedford Level; of 3 Geo. 3, c. 16, relating to Greenwich Pensioners; of 22 Geo. 3, c. 4, relating to cutting serges; and of 24 Geo. 3, c. 24, relating to convicts returned from transportation, as subjects persons convicted of the offences therein specified, to the punishment of death.

5. "That it is expedient to take away the punishment of death in the cases of Horse Stealing, Sheep Stealing, and Cattle Stealing.

6. "That it is expedient to take away the punishment of death in the cases of Forgery, and of uttering forged instruments.

7. "That in the case of all the aforesaid offences, which are not otherwise sufficiently punishable by law, the punishments of transportation for life or years, or of imprisonment with or without hard labour, shall be substituted for death, in such proportions and with such latitudes of discretion in the judges as the nature and magnitude of the respective offences will require.

8. "That it is expedient to make provision that the Judges shall not pronounce sentence of death in those cases where they have no expectation that such sentence will be executed.

9. "That it is fit to take away the forfeiture of goods and chattels in the case of Suicide, and to put an end to those indignities which are practised on the remains of the dead, in the cases of Suicide and High Treason."

The above resolutions being read, and the first of them put from the chair,

Mr. Secretary *Peel* rose. He began by reminding the House of the extent to which the resolutions, nine in all, went; namely, at once to do away with capital punishments, in a great variety of offences to which those resolutions referred. The first suggestion which he would make to the House upon them would be this—were they not of sufficient importance to require a distinct and separate consideration, and whether the hon. and learned gentleman ought not to have taken the ordinary course of asking leave to bring in a bill upon each of the divisions of his resolutions, rather than have had recourse to the mode which he had taken? For only let the House consider into what inconveniences it might be drawn. By assenting to the resolutions of the hon. and learned gentleman, it would affirm all the propositions laid down in them; and if it allowed a bill to be brought in pursuant to those propositions, the result might be, that finding the bill not worthy of being supported throughout, it would feel itself compelled to abandon it. While the resolutions professedly followed the report of the committee on criminal law, it took in cases not referred to in that report. There was the offence of sheep, cattle, and horse stealing, not referred to in the report, in which the resolutions proposed to do away the capital punishment. That the hon. and learned gentleman had been misled by the report was plain; and being so misled as to facts and cases wholly omitted in that report, which he made without any notice given to the House of the objects of his resolutions, was it fair that they should be called on to give a distinct opinion upon so many important alterations of the law? Suppose the House to affirm the resolutions that night, and afterwards to find themselves unable to assent to the bills brought in pursuant to them, would not that be an inconvenient situation for the House to be placed in? Was there nothing inconvenient in the rejection of a bill brought in to remedy defects, which, as the Journals of the House would show, had been fully and clearly admitted? He would show, that as this course was the most inconvenient which could be taken, so his objections to it were most sincere. When the hon. and learned gentleman proposed, in the last session of parliament, that the House should pledge themselves to this reformation of the criminal code, he had opposed it, because he thought that experience had done enough to convince them of the inconvenience of entering into any engagement as to what would be the conduct of a future session; and what had since passed had not tended to weaken the impression. When he opposed himself to giving that pledge, he proposed to take into consideration the whole question of the criminal laws, and to have the alterations projected stated specifically to the House. That was a pledge which he was now ready to redeem. He conceded the proposition of the necessity of some amendment. There could be no necessity for him and the hon. and learned gentleman to debate that point. The real question between them was only as to degree. At a very early period of the session, he had acquainted the hon. and learned gentleman, that he was ready to state the views of his majesty's ministers, or even to originate the measure by which those views would have been carried into effect; but, as the hon. and learned gentleman had brought forward the measure, he was unwilling to take it out of his hands.

Before he went into the detail of what his majesty's ministers intended to propose, he would briefly advert to one or two of the topics in the speech of the hon. and learned gentleman. One of the hon. and learned gentleman's greatest objections to the present state of the law was, the disproportion of convictions and executions, and he seemed to think a more fixed proportion between offences and their punishments indispensable to the proper administration of justice. Now, if he meant so to apportion punishments that certain crimes should be equitably visited with certain degrees of punishment, which should always be carried into execution, undoubtedly the hon. and learned gentleman would meet with perfect disappointment in his pursuit of that object. He was ready to allow, that the law was not perfect. He was not such an advocate for the existing law as to say that there was not upon the Statute book any clause which ought to be altered; but neither could he agree with those who thought that the whole criminal law of England was faulty. It would, in his opinion, be impossible to establish any code of laws which would prevent the necessity of a discretionary power on the part of the executive; and in proof of this, he would request the House to look at those crimes which the hon. and learned gentleman had not intended to touch. One of these was the crime of arson, a crime of no common enormity. There had, in the sixteen years preceding the year 1820, been sixty-five cases of capital convictions for that crime; and yet the number of executions had only amounted to 31. Here was as aggravated a crime as any which could be perpetrated; so atrocious in its nature, that the hon. and learned gentleman would not venture to remove the capital punishment; and yet the executions did not amount to one half of the convictions. There was the offence of shooting, stabbing, and poisoning, with intent to kill. What more aggravated offence could be named? An offence of so dark a character, that the hon. and learned gentleman refused to exempt it from capital punishment. In sixteen years there had been 189 convictions, and only 58 executions—not the proportion of one-third. This was a proof that the executive felt itself obliged to consider the circumstances narrowly, and apply the punishment accordingly. Another crime left untouched by the hon. and learned gentleman was that of burglary. Of this there had, within the 16 years alluded to, occurred 2409 cases of conviction, of which 239, or somewhat less than one-tenth had suffered the punishment of death. Taking the whole of the most aggravated offences, arson, burglary, murder, rape, there had not, within the sixteen years to which he had alluded, been one execution out of every ten convictions. Would it be fair, then, to take away the discretion by which these punishments had been thus apportioned; or could they hope to make a law so precise in all its provisions as to substitute it with effect? He would refer them to the sentiments of Mr. Burke, respecting the capital executions which were about to take place in 1780. It was curious to see what numberless grounds that great man urged for exercising mercy, which yet were no good grounds in law. He was pleading for the rioters of 1780, in a letter to sir Grey Cooper, and he particularly advised a selection of cases. He did not quarrel with the punishment of death. He admitted that there must be executions, and recommended that they should not exceed six in all. His first ground was, that the chief delinquents had escaped: his second, that those convicted were, in the main, ignorant of the law, which, though the law itself needed not therefore justification, must be held as a great and powerful argument in favour of extending mercy. His third ground was, the remissness of government on the occasion, and the absolute impunity which attended but a little while before similar outrages in Edinburgh. Now, which of all those contingencies could have been anticipated in the framing of the laws by which the rioters were punished? The fourth ground was one, which it was still less possible for the legislature to have contemplated. It was the conduct of the lord mayor, who, as Mr. Burke said, was not only remiss, but was himself an active accomplice in the riot. That great and wise man felt convinced that the integrity of the law might be preserved, and yet the merits of individual cases be duly considered, and their punishments meted out to them accordingly. He urged other considerations: the vast concourse concerned—that the convicts were not the ringleaders or principals in the riots—their youth and sex, and even the high state of intoxication in which some of them were taken. He (Mr. Peel) adduced this to prove the difficulty of taking away the discretion of the judges, and to do away any suspicion of the deficiency of the laws, inferred from the disproportion between the number of convictions and of executions.

The hon. and learned gentleman had adverted, not very fortunately, to the opinion of foreigners upon this circumstance in our laws, and wrongly imagined that they would infer a disposition to barbarity which the tribunals would not dare to put in execution. Now it happened, that the very case had occurred, and had been remarked upon by no less an authority than Montesquieu, who had said, that in those countries where robbery was inevitably punished with death, murder was its certain accompaniment. In China robbery was always punished capitally. The consequence was, that robbers always endeavoured to cut off by assassination, the persons who were most likely to convict them. In Muscovy, the same writer observed, there was a distinction taken by the law, and there were fewer murders. In England it was the same; and the remark of Montesquieu was, that the discretionary application of the punishment, *lettres de grace*, as he called them, stood in the place of the distinction of the law in Muscovy; and the general inference he drew was, that in absolute states, there must be equal punishments unerringly inflicted, and then the laws were upheld by their uniform terror. Whereas in moderate states, as in that of England, where the robber might look up to the grace of the sovereign if his offence were not aggravated, it was found that he did actually reckon upon that mercy, and acted on it, and so murders were not done. Here was an illustrious foreigner who, so far from objecting to the discretions left in the application of the chief penalty, actually approved of it in moderate governments. He could not after this, be expected to concur with the hon. and learned gentleman in his view of the question. There was another point to which he would advert. The hon. and learned gentleman said, that with regard to horse-stealing, he would not leave the law in a vague and uncertain state, because, wherever any part of the country was in alarm on account of offences of this sort, the culprit would certainly be hanged, and in other places, where there was no such common dread to actuate them, the judges were very likely to remit the chief punishment. Why, this seemed to him to be the very principle of sound law. It might be hard to say to a man, that his life should be valued at a particular rate, depending upon local or temporary expediency. But this was the very reasoning upon which law was founded. On what other ground could they pretend to inflict capital punishments? It was not that they, in the deficiencies of human nature, were able to determine that which could only be effected by a tribunal above—the exact degree of moral turpitude attached to each particular offence. But while mankind were constituted as they were, having to struggle with all the imperfections of their senses, this was the last mode which legislation could devise for the preservation of civil order.

He would now come to the specific propositions of the hon. and learned gentleman, and show how far he was able to concur in his views. He would take the divisions of the report of the committee of 1819, in preference to those in the resolutions. In the report, there were four divisions of cases. The first was of the cases of crimes recommended by the committee to be left as misdemeanours at common law. Of these there had been 12 liable to capital punishment; four out of this number had been already repealed, and he proposed to do away with the capital punishment in the other eight. Most of them were crimes made capital by the Black Act. He admitted that it would be advisable to secure a better sanction for the law, by removing those penalties which could hardly ever be enforced. The second class consisted of offences of so malignant a nature, that if they actually occurred, nothing less than death could atone them. The next case was that of acknowledging and assisting in obtaining a fine, and recovery; the next, helping in the recovery of stolen goods; the next, maliciously killing or wounding cattle —an offence of a highly aggravated character, and of very unfrequent occurrence. He thought this last one peculiarly well calculated for the experiment proposed. The malignity which impelled to such a deed, no doubt, deserved death; but it might be better to add to the solemnity and efficacy of the laws by repealing it. In sixteen years, there had been only two convictions for this offence. It was a crime difficult to prove: it was necessary to prove malice against the owner of the cattle, when it was obvious that there were many safe modes of doing him much more mischief open to such malice. The next case was that of cutting down trees, in which, in sixteen years, there had been but two convictions and one execution. The punishment might be changed to transportation. If offences should be found to multiply in consequence, it was only for the House to reconsider the question. With regard to No. 8, in this second class, he could not help regarding it as a strange anomaly. It awarded the punishment of death for the cutting down of the banks of rivers. Now, he had looked into sundry canal bills, to the number of fifty or sixty, and in not one of them had it been thought necessary to insert a clause making the cutting down of banks a felony; and yet canals were, from their nature, their use, and the situations in which they were made, much more hazardous than the banks of rivers. Canals were made in high grounds, where, upon the bank being cut, an inundation might be the consequence; whereas, rivers, from their position, in the lowest parts of the districts through which they passed, could be productive of no such dangerous result. At any rate, the law ought to be equal; and certainly, the smallest penalty ought not to attach to the highest degree of offence. The Bedford Level Act felonies were fit subjects for repeal, however proper they might have been at the time of their enactment. Sending threatening letters was another case in which the law was anomalous. A man might charge another with the grossest crimes, to extort money, and it was only a transportable offence; whilst sending directly for money, or venison, offences made capital by the Black act, was made punishable with death. There could be no reason for this, and the law should be equally applicable to both. The personating of Greenwich pensioners was another capital felony which should be repealed. The agents of government ought to be sufficiently cautious in money concerns to render the punishment of death unnecessary. The last case on which he proposed alteration, was the cutting of serges, in which the capital punishment should be remitted. In acknowledging and proving a fine and recovery, making false entries in register-books, and helping to the recovery of stolen goods, the penalty of death should be remitted. He next came to the cases of larceny. The stealing privately in shops, and the stealing on navigable rivers, and on canals, he was inclined to think, might be properly the subject of experiment, and that as to them, the capital punishment might be remitted. The most material of all the cases of larceny was, the stealing in a dwelling-house to the amount of 40*s.*; and as he could not class this with the other offences of the same name, he was not prepared to say that as to this there ought to be any alteration of the law. There were, within the latest periods, too many proofs of the progress of that offence, even under the most aggravated circumstances, of confidential servants robbing their masters to a very large amount. "The law of England," said Justice Blackstone, "has so particular and tender a regard to the immunity of a man's house, that it stiles it his castle, and will never suffer it to be violated with impunity: agreeing herein, with the sentiments of antient Rome, as expressed in the words of Tully — 'Quid enim sanctius, quid omni religione munitius, quam domus uniuscujusque civium?" He was not therefore prepared to remit the capital sentence in cases of larceny in a dwelling-house. On reference to the returns, it would appear also, that the number of executions for this offence had been increasing. Instances there had been of servants who had robbed their masters of the whole of their property. This was a crime of a most dangerous tendency in a commercial country, and subversive of that confidence which ought to subsist between the master and the servant.—He was fully aware of all the arguments arising out of the unwillingness of prosecutors and witnesses to come forward; but he thought that inferences much too wide had been drawn from that circumstance. The trouble of attendance, and the expenses of the prosecution, were circumstances which pressed on the minds of prosecutors, and must have no inconsiderable share in producing that disinclination to prosecute, the whole of which was attributed to the severity of the law. Again, as to the frequent findings of juries, that goods of the actual value of 40*l.* or 50*l.* were of the value of 39*s.* only. The hon. and learned gentleman argued on that, as the effect of humanity overpowering the regard which the juror ought to have to his oath. But in the evidence, the answer of Mr. Shelton to a question which involved the whole of the subject, accounted for many of those findings. That gentleman stated, that often when property was stolen, perhaps to a very large amount, it might not be possible to prove that the whole was stolen at one time, and therefore the finding of the jury was in such cases correct. As it was notorious to prosecutors, to witnesses, and to jurors, that if there were no aggravating circumstances in the case, the law would not be carried into effect, he did think that this answer of Mr. Shelton truly explained the great majority of the cases alluded to. As in the whole of these cases of larceny, it appeared there was no difference except in the single instance of stealing in dwelling-houses to the value of 40*s.*, he could not arrive at the conclusion, that the capital punishment ought to be remitted.

The only other class of offences was that of forgery, on which he was certainly not prepared to bring in any bill to alter the law; and he thought the hon. and learned gentleman had laid too much stress on what he had stated as the authority of the House on this subject; for it should be recollected, that the bill to which he had alluded was rejected by a majority (certainly not a large one) on the question of its being read a third time. He (Mr. Peel) had certainly not come to the House with any prejudice on the subject, but the speech of the hon. and learned gentleman himself, had convinced him, that no alteration of the law which awarded the punishment of death in cases of forgery was desirable. He had come to that conclusion from the great number of exceptions which the hon. and learned gentleman had himself thought necessary: and from that moment he was convinced that it was not expedient to pass any general law to mitigate the punishment of death in the case of forgery. This was the less necessary from the great diminution of executions. In the year 1822, there had been in England and Wales, only six executions for the offence of forgery; and this he thought might be urged as some compensation for the other evils which had attended the return to cash payments.—With respect to the stealing of horses, sheep, and cattle, he was decidedly of opinion that it would be unwise in the House to fetter itself now with any resolutions on the subject. The same observation he would also apply to suicide. These appeared to him much too important to be thus incidentally disposed of, and were well worthy of a separate measure. He was prepared to bring in bills as to the three branches of larceny to which he alluded; or if it was the wish of the hon. and learned gentleman to introduce them, to concur with him, most sincerely as to that reformation of the criminal code. It was also his intention to propose a measure which would go to relieve the judges from passing sentences in those cases in which it was not likely the law would be carried into execution. There occurred, perhaps, forty or fifty cases of crimes of every different shade, for which, at the end of the sessions, sentence was indiscriminately passed. It was desirable to preserve the distinction between crimes, and not to lower the effect of the solemn sentence of the law by this indiscriminate application of it. The measure which he should propose would not be any invasion of the prerogative of the Crown, as the judges would only be required to enter the sentence on the record on which doubt might arise.—On the subject of increasing the efficacy of secondary punishments, it might be observed, that at present we had transportation to Botany Bay, but that from change of circumstances in the colony, it was now extremely difficult to make a punishment of sufficient severity. As to the hulks, though abuses might have heretofore existed, he was, from a full consideration of the subject, assured, not alone that these abuses had ceased, but that such a system of punishment, operating in confinement and labour on the public works, had, as far as it went, a beneficial tendency. There were at present 3,000 persons confined in that way. Considerable improvements had taken place in the management of our gaols; but though the efficiency of the tread-mill was acknowledged, yet it was not a species of punishment to be applied for fourteen years. There was another species of secondary punishment which he thought might be very efficacious to the suppression of crime; namely, a combination of hard labour and expatriation to some of the colonies, the Bermudas for instance, where public works were carrying on. With that view, it was his intention to propose a bill which would get rid of banishment, as the law now stood, and substitute expatriation and hard labour in some of the colonies.—He had now stated the various points on which he differed, and on which he concurred, with the hon. and learned gentleman. He had stated his intentions so far as they agreed, either to originate measures, or to concur in those which the hon. and learned gentleman might propose. As, however, there remained others on which they disagreed, it was his intention to propose the previous question on the first resolution, leaving it open to the hon. and learned gentleman to propose, if he thought proper, separate measures for those parts of the question on which they differed.

Mr. *Fowell Buxton* rose, amidst loud cries of "question!" He observed, that the lateness of the hour alone prevented him from replying at length to the speech of the right hon. secretary. All he should then say was, that that speech had greatly disappointed him. He contended, that the recorded pledge of the House could be most imperfectly redeemed by the measures proposed by the right hon. gentleman, under the operation of which there would not be saved one human life in the course of ten years. He hoped his hon. and learned friend would not withdraw his motion on the subject of larceny in dwelling-houses. He had hoped and believed, that his majesty's ministers would have gone further than, from their declaration of that night, they proposed to go; and, relying upon this hope, he had dissuaded many persons from petitioning the House on this very important subject.

Mr. *Scarlett* said, he could not concur with his hon. friend, the member for Weymouth, as to the impression which the speech of the right hon. secretary was calculated to make. It was with great satisfaction that he had heard that speech, and he could not but rejoice, that the efforts to ameliorate our criminal code, which had been so long and so strenuously made, had at length succeeded, and that his majesty's ministers not only acceded to the principle, but proposed to sanction a series of measures in conformity with that principle. He could not, however, agree with the right hon. gentleman's reasoning with respect to the discretion vested in the executive power as to the punishment of death. If that were admitted, it would apply to every crime. He had not seen the resolutions of his hon. and learned friend before that evening. He was ready to support any measure which went to the mitigation of the punishment for forgery; but he did not see the necessity, because he did not see the advantage, of the House being at that time pledged to any specific mode of mitigation, the principle being already admitted. For his own part, he was desirous of having an opportunity of saying, upon each resolution, whether he would adopt the previous question or not; and his hon. and learned friend must not think that, because he did not approve of every part of his resolutions, he was, therefore, unfriendly to their principle. He rejoiced that the day had at length arrived when those principles which his late lamented friend, sir Samuel Romilly, had long endeavoured to introduce met with the general concurrence of the government. His majesty's minister had confessed himself a convert to the opinion, that severity of punishment was not the most expedient method of repressing crimes; that punishment ought to be consonant to the feelings and sympathies of mankind; and that those feelings ought to be enlisted on the side of the administration of justice.

The *Attorney General* observed, that even the sweeping resolutions of his hon. and learned friend would be inefficient to their proposed object. How did his hon. and learned friend propose to meet the case of larceny in cottages left unprotected in the day time, to which the existing law affixed a capital punishment? He complained that his hon. and learned friend had taken the House by surprise, in not having stated previously the specific nature of his motion, even to his own friends. The House, he thought, would require some notice before they would consent to adopt resolutions, each of them involving topics that would require separate discussion.

Mr. *R. Martin* begged leave to suggest to his hon. and learned friend, that if it was his intention to follow up his resolutions with bills, it would be injudicious to risk the fate of those bills by pressing the resolutions to a division. Many members who would vote against the resolutions might vote for every one of the bills. If, however, his hon. and learned friend persisted in dividing the House, he would vote with him.

Sir *J. Mackintosh*, in reply, said, that he would trespass but a few minutes to explain the part which he should take with respect to the resolutions. He agreed with his hon. and learned friend, in rejoicing that the principles of his late lamented friend, sir S. Romilly, had been adopted to any extent; but he would have rejoiced still more, if they had been adopted more extensively; for, with the exception of one bill, the whole appeared to him to be a delusion. The conduct of his majesty's ministers upon this subject reminded him of an expression of a friend of his, with respect to another person, that he was a great friend to general principles, but had an exception for every particular case. With respect to the first resolution, he would ask, how often had the House of Commons voted for the very measure to which it pointed? Would the right hon. gentleman advise the House to undo what it had done? To retrace its steps and forfeit its pledge to the country? In proposing the resolutions, he only wished to take the sense of the House in a popular way. The question was precisely the same as if he had moved for leave to bring in a bill; at the utmost, it only went to add another stage to its progress, and it was absurd to talk of such a thing as an irrevocable stage, the bill being as liable to be thrown out in one stage as in another. He should certainly persist in taking the sense of the House upon his first resolution. If the previous question were carried upon that, he should only put the other resolutions, for the sake of recording his opinion upon the Journals of the House. He should not take upon himself to introduce any other measures for amending the criminal code; because he must foreknow their fate. If the right hon. gentleman had the skill to induce the House to retract its solemn pledge given last year, he felt that, as a humble member of parliament, he could not resist such an influence.

The previous question, "That the question be now put," being put, the House divided: Ayes, 76. Noes, 86. Majority against sir J. Mackintosh's motion, 10. The previous question was then put on the other eight resolutions, and negatived.

List of the Minority.

Abercromby, hon. J.
Allen, J. H.
Astley, sir J. D.
Baring, A.
Barrett, S. M.
Benett, J.
Benyon, B.
Bernal, R.
Blake, sir F.
Brougham, H.
Browne, D.
Calvert, C.
Campbell, hon. G. P.
Carter, John
Cavendish, H.
Chaloner, R.
Colborne, N. R.
Denman, T.
Duncannon, visc.
Ebrington, visc.
Ellice, E.
Evans, W.
Fergusson, sir R. C.
Foley, S. H. H.
Folkestone, visc.
Frankland, R.
Grattan, J.
Griffith, J. W.
Gordon, R.
Grant, G. M.
Hobhouse, J. C.
Hume, J.
Handley, H.
Knight, R.
Lennard, T. B.
Lloyd, sir E.
Leader, W,
Maberly, J.
Mackintosh, sir J.
Marjoribanks, S.
Martin, J.
Milbank, M.
Milton, visc.
Monck, J. B.
Montgomery, J.
Martin, H.
Newport, sir J.
Normanby, visc.
Nugent, lord
O'Callaghan, J.
Osborne, lord F.
Palmer, C. F.
Philips, G,
Philips, G. H. jun.
Price, R.
Poyntz, W. S.
Ramsden, J. C.
Rice, T. S.
Ricardo, D.
Ridley, sir M. W.
Robarts, A.
Robarts, G.
Robinson, sir G.
Scarlett, J.
Smith, J.
Smith, W.
Smith, hon. R.
Stanley, lord
Tennyson, C.
Tierney, right hon. G.
Tynte, C. K.
Vernon, G. V.

Wells, J.
Wharton, J.
Whitbread, S. C.
White, col.
Williams, John
Wood, M.
Wilson, W. W. C.

TELLERS.
Buxton, T. F.
Calcraft, J.

PAIRED OFF.
Russell, lord J.
Pares, T.

BULL-BAITING AND DOG-FIGHTS.] Mr. *R. Martin* moved for leave to bring in a Bill to prohibit Bull-baiting and Dog-fights.

Mr. *Brougham* said, he was a friend to the principle of any measure calculated to put an end to animal or human sufferings; but it was an objection to the present bill, that it did not go far enough. It aimed at the prevention of sports which formed the amusement of the lower orders, but did not interfere with those in which the more wealthy and powerful classes indulged. He would ask whether fishing, grouse-shooting, hare-hunting, horse-racing, fox-hunting, and other diversions of the same kind, were not every whit as cruel as those against which the bill was levelled? When on a former occasion it had been urged that if the latter animals were not destroyed, they would overrun the earth, the late Mr. Windham had said, that that was a poor argument as regarded fishing. There was a sound as well as a ludicrous way of treating this subject; but it was enough for him at present to take an objection to it, because it tended to draw a distinction between the lower and higher classes of his majesty's subjects, with respect to amusements in which there was equal cruelty. He therefore gave notice of his intention to oppose the bill in every stage.

Mr. *R. Martin* said, that the argument of the hon. and learned gentleman was most absurd. It was as much as to say, that if five hundred persons were cast upon a rock on a desolate island, and all could not be saved, the attempt should not be made to save any of them.

Mr. *Peel* objected to the motion, because it belonged to a class of subjects which he did not think fit for legislation in this manner.

Mr. *John Smith* said, that so far as dog-fighting was concerned, he would vote for the bill. He understood that, in the very neighbourhood of the House, amusements, as they were miscalled, of the most gross and brutal kind were carried on. Such proceedings ought to be discouraged; and the motion of the hon. gentleman should have his voice, even though he stood alone.

Mr. *W. Smith* was happy that his hon. friend had introduced this subject. He hoped it would be successful, because he was convinced that a bill of this nature would be advantageous to the character of the lower classes of Englishmen. The practice of bull-baiting, dog-fighting, and badger-baiting, did not, whatever might be said to the contrary, add to the real courage of Englishmen. But it tended to keep up and extend a brutal ferocity, which was not advantageous to the country in any point of view. The argument which was founded on the impropriety of interfering with the amusements of the poor, while those of the rich were left untouched, would, if examined, be found fallacious. The pain which animals suffered in the one instance, was incidental and unavoidable, and the rich man would be better pleased if he could prevent its occurrence; but, in the other instance, the degree of pleasure in the spectator was proportioned to the quantity of suffering which was inflicted on the animal. If the conduct of those who pursued such pastimes were examined, he believed it would be found that their proceedings during the night were just as cruel and as lawless as they were throughout the day.

Sir *M. W. Ridley* could not agree with the hon. gentleman, that dog-fighting or bull-baiting had such a tendency to render men savage and ferocious. In his younger days he had witnessed some of these exhibitions; and as they had not made him ferocious, he thought they would not have a different effect on the people in general. Such subjects as these he considered to be far beneath the dignity of legislation. If the House entertained such questions, they would next be called on to provide a fit punishment for the slaying of cock-chafers and the destruction of flies.

Mr. *R. Martin* wished to know whether leave would be given him to bring in a bill merely to protect dogs; and whether, if he withdrew his motion now, he would be allowed to bring it forward at a more advanced period of the session? [Cries of "No, no."]

Mr. *Fowell Buxton* expressed a hope that his hon. friend would not be prevailed upon to withdraw his motion. The same arguments had been urged against his former bill, the effects of which were found to be so salutary. As to the tendency of such sports, he could state the case of a boy, who, from attending at dog-fights, and mixing with the society there, became perverted in character, and lost to every useful purpose in society. He was less fortunate than the hon. baronet opposite, for his morals were corrupted.

Mr. *Brougham* wished to ask his hon. friend, whether he had ever taken the trouble to analyse the component parts of the company at a horse race?

The House then divided: Ayes, 18; Noes, 47.

HOUSE OF LORDS.

Thursday, May 22.

AUSTRIA AND SWITZERLAND.] The Marquis of *Lansdown* said, he would beg leave to ask the noble earl opposite, whether any communication had been made to him of any treaty, convention, or stipulation for the military occupation of Switzerland by the Austrian army. He was not enabled to state that such an arrangement had been concluded; but it was reported throughout the country that such was the case, and even that the treaty was signed in March last. It could not escape their lordships, that this was a question of the highest importance to the affairs of Europe, and one on which it was particularly necessary the House should be informed.

The Earl of *Liverpool* said, he had never even heard of the report to which the noble marquis alluded, until within the last half hour from the noble marquis himself. After that, it was hardly necessary for him to say that he had no knowledge, either personal or official, of any treaty, convention, or stipulation, of the nature stated by the noble marquis.

HOUSE OF COMMONS.

Thursday, May 22.

STANDING ORDER RESPECTING BILLS ON TRADE.] Mr. *Huskisson* said, he had given notice yesterday that he meant to call the attention of the House this evening, to the objection which had been taken against proceeding with any bill intended for the regulation of trade, unless the subject were first referred to a select committee, in conformity with the Standing Order of that House, agreed to on the 23d of June, 1820. After the best consideration he could give the subject, it appeared to him impossible that the true meaning of the standing order could be such as was contended for yesterday. It evidently applied to cases where parliament were about to restrain trade by some additional statutory regulations. Now, the object of the bill which he had brought in was not to restrain trade, but to throw it open. He might infer from the history of that standing order, that such was the intent and meaning of the House in adopting it, as well as of the hon. gentleman who was the mover of it. It was true, in common parlance, if a person said he would take away certain restrictions, it might be affirmed that he was regulating that to which those restrictions applied. But such was not the feeling of the House when the order of June 20 was proposed. How did the matter stand with respect to this particular case? Some years ago, the House had, by a particular bill, imposed certain regulations on the silk trade, and those regulations they were now about to remove. Surely that could not justly be called regulating a trade, but taking away all the regulations. If the house intended to extend the Spitalfields act to every part of the country, that would be imposing new restraints; and, in the language of parliament, regulating the trade. There the order would apply. But what was there in this bill to regulate trade, when, by it, all regulations were to be removed? On examining the Journals, he had found, that in the very week after the adoption of this standing order, there were half a dozen bills in progress through the House, all of which went to regulate trade; one related to the bounty on salt, another to the stamping of linen, &c.; none of which were previously referred to a select committee. The old standing order was a very different thing. It directed, that no bill for regulating trade generally, should be brought before the House, until the subject had been considered by a committee of the whole House, and their report had been made thereon. What situation, then, would they be placed in, if the interpretation now sought to be given to the order of 1820 were correct? Why, after a committee of the whole House had examined a question, and reported that certain alterations were necessary, it must be again referred to a select committee, to inquire whether that which had been agreed to by the committee of the whole House, was or was not proper. They had, for instance, a committee on trade.

That committee had made a voluminous report to the House on the warehousing system, &c. A committee of the whole House had adopted their suggestions; but now, upon this new principle, these subjects were to be referred to a committee up stairs. Such a proceeding would be an utter absurdity. But this order went still further. The bill, according to it, could not be read the first time, before it was examined by a select committee. So that before individuals were acquainted with its provisions, before it was known what the committee were to inquire into, it was to be sent up stairs! This order was most objectionable. It was impossible to carry on the business of parliament, if they were, in the first instance, to act on the old standing order, and afterwards on the new one. The hon. member for Yorkshire, to whom they owed this admirable application of the standing order, had told them triumphantly of a bill which he had caused to be referred to a committee up stairs. But that bill was so referred, because it affected the interest of particular parties. It could not have been referred to a committee in conformity with this standing order, because it had been read a first time. To find out what the true meaning of the standing order was, he would propose to refer it to a select committee, who should be instructed also to report, whether it was fitting that a standing order, which had remained a dead letter since its formation, should be suffered to continue on the order-book. The right hon. gentleman then moved, "That the said order be referred to a select committee; and that they do report their opinion, whether the same is applicable to bills for taking off restrictions or regulations imposed by any act of parliament upon the manner of conducting any trade, and as to the expediency of the said order being continued as a standing order of this House."

Mr. *Stuart Wortley* contended, that this order was introduced for the very purpose to which it was now applied; namely, to prevent any new regulation, or any alteration being made in the laws which related to trade, without due notice being given to the parties concerned, so that they might be heard at the bar. The old order applied to regulations respecting foreign trade and the general commercial policy of government; but the new one referred to the regulation of any branch of our domestic trade. There was a bill now on their table relating to the stamping of linen, which showed the necessity of this order. Many persons in Scotland connected with the linen manufacture were, he understood, dissatisfied with that measure. It was supposed, that an intention existed to throw the monopoly of that trade into the hands of the great capitalists. He did not say that that was the fact; but certainly those who complained had a right to be heard on the subject. He had no objection to the standing order being referred to a committee, who, he had no doubt, would view its meaning as he did.

Mr. *D. Browne* defended the standing order, and argued that its provisions ought to be complied with. In that part of the empire from which he came, he had never heard any person say, that the taking off the stamp from linen would not be ruinous.

The *Chancellor of the Exchequer* said, the standing order in question was introduced, not to prevent parliament from removing restraints on trade, but to prevent them from suddenly, unwisely, and improvidently imposing restraints on it. If, when it was before the House, he had imagined, that it would hinder them from taking away restrictions, he would have opposed it, instead of giving it his support. [Hear.]

Sir *R. Fergusson* said, he was in correspondence with every part of Scotland in which the linen trade was carried on, and he had not heard a voice raised against the measure introduced by the right hon. gentleman.

Mr. *Calcraft* contended, that the standing order was imperative. Why not, then, yield to it, and particularly when the object was, to promote a bill which seemed to give general approbation? The right hon. gentleman said, that this order was a most indiscreet tampering with the right principles of trade. He was glad to find this new light broken in upon him, and was sorry it had not shed its rays before he introduced his naval and military pensions' bill. The right hon. gentleman might take credit perhaps for having given up the lottery; but the fact was, that the lottery had given him up. The current report was, that the usual contractors had lost so much money by the scheme, that they would have nothing more to do with it. Unless some doubt could be fairly thrown upon the words of the standing order, why refer it to a committee?

The *Chancellor of the Exchequer* said, that as to the lottery, the only thing that had occurred was a five minutes' hesitation on the part of the lottery-office-keepers, whether they would bid or not.

Mr. *Brougham* was ready to give the principal members of his majesty's government some credit for the adoption of more liberal principles respecting trade. He considered the present bill just, necessary, and expedient. He rejoiced in the conversion of ministers to these principles; particularly in the conversion of the right hon. gentleman (Mr. Huskisson); and still more in that of the more illustrious convert near him (the chancellor of the exchequer). The former, it was true, had always entertained liberal opinions upon such matters, without acting upon them; but there was no saint in the calendar whose conversion was more marvellous than that of the chancellor of the exchequer. That right hon. gentleman had on a proposition on the subject of free trade, passed to the order of the day. With reference to the standing order, he thought it would be better to refer it to a committee.

Lord *Milton* asked, whether it would not be the shorter course at once to give a select committee upon the bill, rather than on the standing order?

Mr. *Ricardo* was glad to see this contest for the adoption of liberal principles in matters of trade. He hoped they would persevere in getting rid of such obnoxious and impolitic regulations.

Mr. *Canning* thought, that the best course would be at once to settle the application of this standing order, by referring it to a committee.

The motion was agreed to, and a committee appointed.

AUSTRIA AND SWITZERLAND.] Mr. *Brougham* said, that seeing the right hon. secretary for foreign affairs in his place, he wished to ask him a question, founded upon intelligence which had reached him from sources which, if not authentic, were at least entitled to great attention. His information related to alleged occurrences respecting Switzerland, and was a further apparent development of the system of the holy alliance. Notwithstanding all that the Swiss cantons had done to court the favour and avert the anger of the allied powers, by refusing a domicile within their territory to those political refugees who sought an asylum within them from the persecution of their own governments—these allies were said to be engaged in measures towards Switzerland, which, if all, or even any part of them were founded, furnished serious cause of alarm at the present crisis. He wished to ask, if any, and what communications had been made by the Austrian government to the cantons of Switzerland—at least, to one or more, if not to all of them—having for its object, the imposition of material changes in the internal condition of these cantons. One of these changes was said to be, the offer of the protectorate of an Austrian archduke; and, that Austria was willing to extend her care to the Swiss states, not only politically, but ecclesiastically—that she wished to assume spiritual, as well as temporal jurisdiction over them, and to dictate a change in the ecclesiastical constitution of the cantons, by nominating the Catholic bishops in these Protestant states. This alteration, if not insisted upon, had, he had heard, at least been proposed. The cession of Geneva to the king of Sardinia was also mentioned as a part of the new propositions. The whole, or a part of these demands had, as he was informed, been communicated to the French government, and they were asked, if they would like to see the influence and power of Austria predominate in Switzerland. The reply of the French government was, as he understood, that certainly it was against their wishes, their interest, and their ancient policy, to see such a predominating power established in Switzerland; but it was still less their wish to see such a neighbouring territory as it now was, the focus of jacobinism. These were the reports which had reached him, and he had, since he entered the House, heard that a noble person had in another place, inquired whether his majesty's government were informed of any treaty signed last March, by the three allied powers, upon which was founded the intended military occupation of Switzerland by Austria. His information did not go so far as this treaty, or the military occupation said to be founded upon it: but, even the least part of the lesser statement, if founded in fact, was much too much. It showed clearly the character of the allied powers, and gave a foretaste of the bitter fruits of the policy of this country, in abdicating the power of using an effectual interposition for the maintenance of international freedom.

Mr. *Canning* said, that if the least part of the lesser statement of the hon. and learned gentleman was much too much, it might be a satisfaction to him to know, that that least part was much more than his majesty's government were informed of.

THE GREEKS AND TURKS.] Mr. *Hume* said, it had been reported that British cruisers had upon several occasions of late not respected the Greek flag, in the actual blockade of some Turkish ports, and had gone so far as to compel Greek ships to give up English vessels which they had taken in the act of conveying supplies to Turkish forts. He hoped that, at least, the British Government would act an equal part between the Greeks and Turks in the present contest.

Mr. Secretary *Canning* said, that in one or two instances the government had been informed of a violation of the Greek blockade; but that, in one instance especially, which came to their knowledge a fortnight ago, they had immediately sent out most positive orders, that the British cruisers should respect alike the blockades of both powers [Hear!].

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] Sir *Robert Heron* said, he thought it would be convenient for the House, and a measure that would relieve very many individuals from much anxiety and inconvenience, if the House would name some definitive period for considering the order of the day on this matter. There were upwards of fifty witnesses in town, at a great expense to the public, and much inconvenience to themselves; and several of them, perhaps, with little public advantage, and little probability of being asked many questions. He did not wish to anticipate any interrogatories which hon. gentlemen might be disposed to put to them; but every one, who had at all attended to the course of this inquiry, must have observed how languidly it went on. At present, there appeared no chance of again pursuing the inquiry on any but a very distant day. Under these circumstances he wished the House to come to some decision; so that the inquiry might either cease at once, or be brought to a speedy determination.

Colonel *Barry* said, that however it might appear to the hon. baronet, the fact was, that the last day's proceedings had elicited matter of the greatest importance. He was anxious to conclude the proceedings, but he felt it his duty, on the part of the sheriff, to conduct the defence to a conclusion.

Sir *R. Heron* disclaimed any intention of reflecting on the mode in which the right hon. gentleman had conducted the inquiry. Would Monday next be an inconvenient day for resuming it?

Mr. *Abercromby* could not help saying that the House had been placed in a very unpleasant situation in this business. It had been conducted in a manner very unlikely to attain the ends of justice, but much calculated to produce inconvenience and expense to the public. At the suggestion of ministers, all public business had, for a time, given way to this inquiry. At the same time, he hoped the matter would not be allowed to die a natural death, but would henceforth be prosecuted with vigour.

Mr. *Grattan* thought it highly expedient that the House should come to a decision upon this important question as speedily as possible; because, independently of the inconvenience which it occasioned to the House, it was productive of much irritation in Dublin.

Colonel *Barry* said, that he himself had never postponed the inquiry a single day.

Mr. *Calcraft* thought, that if the right hon. gentleman would propose to go to the order of the day, that would soon bring the business to an issue.

Colonel *Barry* said, that from the first of these proceedings, he had never once moved the order of the day. The inquiry had been brought on by gentlemen on the other side, and it was for them to move the order of the day upon it.

Mr. *Calcraft* said, he would then tomorrow, at an early hour, move the order of the day on this inquiry, and take the sense of the House upon the matter. The present course of the proceeding was quite intolerable.

HALF PAY OF THE ARMY IN IRELAND.] General *Gascoyne*, in rising to submit a motion "for an Address to his Majesty, praying that he would direct that the warrant of the 6th of March last, be reconsidered, and that payment to Half-pay officers resident in Ireland be paid in British currency," said, he was aware that to induce the Crown to exert its interference in this case, very strong grounds must be laid for such an address. He begged to assure his noble friend (Lord Palmerston), that by this motion he meant not to impute anything to him which might seem to derogate from his well-known ability and zeal in the discharge of his official duties. As the regulation at present existed, residence in Ireland alone constituted the ground of distinction made between officers on half-pay in Ireland, and half-pay officers in any other country. So far from officers in Ireland being paid in an inferior currency, they ought rather to have a bounty given them for expending their half-pay among their own countrymen. Suppose the case of two officers in the same regiment, and each having the misfortune to lose a limb: he who retired to Ireland was, in fact, to receive the less allowance, because he chose to reside in Ireland. Could anything be more unjust, than that a sort of penalty should attach to him who retired to his native home? The saving to be effected by this arrangement was very small: he understood it amounted to 7,800*l.* in the whole; but when the chancellor of the exchequer had so recently given up taxes to the amount of hundreds of thousands of pounds, in order to induce and encourage residence in Ireland, surely this arrangement was most impolitic. The case was one of greater severity, when it was considered, that while officers on our half-pay, who entered into the service of any of the foreign powers—and perhaps those who were allied against the rising liberties of Spain—were paid in British currency, Ireland alone was the invidious exception, which subjected them to the loss arising from a depreciated currency. If the regulation was meant to be defended on the ground, that the superior cheapness of provisions in Ireland was to be considered, the principle ought to be carried further, and extended to those who lived in Wales, or in any other part of the empire where the necessaries of life were sold at a reasonable rate. He would move, "That an humble address be presented to his majesty, that he will be graciously pleased to direct that the warrant of the 6th of March last be re-considered; and that payment to Half-pay officers of the army and marines resident in Ireland (together with pensions and allowances) be continued to be paid in British currency, as heretofore."

Lord *Palmerston* said, that the House ought to take care not to be led away by individual cases, and to neutralize in detail those measures of economy which they were constantly insisting upon in principle. He recollected well, that the gallant officer had, on one occasion, voted in support of an augmentation of the pay of the army, and on a subsequent occasion had said, that he thought the liberality of parliament had exceeded the bounds of discretion. With respect to the particular case before the House, the principle on which officers on half-pay were paid (whether in Irish or British currency) was founded on the accident of the regiment being in England or in Ireland at the time that the officer retired. The same rule was observed with respect to the private soldier. It appeared to him that there was no sense whatever in the practice; but the question was, how was it to be altered? It might be proper to destroy the distinction of currency—it might be well to pay all half-pay officers and privates in the same currency; but it appeared to him to follow as the inevitable consequence, that the full pay should be paid in the same currency also. Now the difference of expence would amount to 127,000*l.*, and in time of war to 237,000*l.* The principle on which the regulation of March had been founded was established in the year 1815. That principle placed all officers on half-pay, residing in Ireland, on the same footing, and entitled them to their half-pay in Irish currency only. He could not, under all the circumstances, consent to alter that regulation; because, if the half-pay were to be paid in British currency, the full pay, in his opinion, would be clearly entitled to British currency also. He would, however, so far acquiesce in the object of his hon. friend, as to exempt all the officers resident in Ireland, who had formerly received their half-pay in British currency. He was willing to consent that they should be allowed in future to receive their half-pay in the same currency. The inconvenience to officers' widows was excessive, as they had to remove, for the receipt of their pensions, according to the destination of the regiment, with which they might no longer have any connexion.

After a short conversation, general Gascoyne consented to withdraw his motion.

East and West India Sugars.]—Mr. *W. Whitmore*, in rising to bring forward the motion of which he had given notice upon this subject, commenced his observations by expressing the regret which he felt that it had not been taken up by some member who possessed greater abilities and exercised greater influence over the House than fell to the lot of an humble individual like himself. He therefore requested the House, as far as he was individually concerned, to grant him its indulgence, and as far as the question itself was at stake, to give it that calm and serious deliberation which it required, on account of the important interests which were involved in it. With a view of simplifying the question, and putting it as concisely as possible before the House, he should arrange his observations under three distinct heads: the first, relating to the interest of the consumer in England; the second, to the interest of India and our trade with that country; and the third, to the interest of the West-India planters. With regard to the first point, he did not think it necessary to enter into any argument to prove that the consumer was entitled to the greatest competition that could be produced in the market. There might, indeed, be an exception to that as to every other general rule; but he did not think that any man would contend that such an exception existed in the present case. Now, the House was aware that there existed at present an extra duty of 10*s*. in one instance, and of 15*s*. in another, payable on sugar brought from the East, above that which was payable upon sugar brought from the West Indies. It was difficult to calculate what the exact effect of that extra duty was upon the consumer; for the price of sugar was at present so low, that it would be unfair to judge what price it ought to bear from the price which it now actually bore in the market. But, as far as he was able to judge from the data which he had before him, he believed that the restrictions which were placed on East-India sugars, and the species of monopoly which was thus given to West-India sugars, cost the consumer, in ordinary years, no less a sum than two millions sterling.

The hon. member, after stating the grounds upon which he came to this conclusion, proceeded to consider the manner in which these duties affected the interest of our empire in India. He contended, that the measures which the House was now pursuing were full of injustice to our subjects in Hindostan, and maintained, that if they were persisted in, they would be productive of consequences which must render our dominion over them extremely insecure. The hon. member then entered into a consideration of our trade with India, in order to give the House an opportunity of taking a fair view of the question. He showed, that from the earliest periods to which it could be traced, down to the day on which it had been rendered open, the private trade between Europe and India had always been of the same description. Drugs, spices, and silks, were imported into Europe from India, and bullion was invariably exported in return for them from Europe into India. The opening of the private trade with India had, however, created a most extraordinary revolution in that commerce. The consequence had been, that a mart had been discovered for British manufactures, on which nobody could have calculated before it was actually found to exist. The exports of woollen goods from Europe to India amounted in 1815 to 183,430*l*. but in 1822 amounted to 1,421,649*l*. But, what was most extraordinary was the change that had been effected in the cotton trade between India and this country. Formerly, we had imported certain cotton goods from India; now, we were actually supplying the natives with those articles at a lower price than that for which they could afford to manufacture them. In 1815, the export of cotton goods to the eastward of the Cape of Good Hope amounted to 109,480*l*.: in the year 1822, they had increased to 1,120,325*l*. He looked upon this circumstance as quite decisive of the singular revolution which had taken place in the trade with India; and, reflecting on the distance at which we were from that country, and the low price at which labour could be obtained in it, he considered the fact of our being enabled to import the raw material into this country, to change it into a manufactured article, to export it back again to India, and then to sell it at a lower price than that at which the natives could afford to sell it in their own markets, to be one of the most extraordinary triumphs of skill and industry that had ever been recorded in the annals of commercial enterprise. But, at the time that they were extolling their own skill and ingenuity, it was requisite to consider the consequences which they might produce in India. They had entirely destroyed the native manufactures. They had annihilated, at least in the neighbourhood of the Presidencies the trade, which had existed there from the earliest periods. This event might prove either a blessing or a curse. It would prove a blessing, if the house should enable the natives of India to employ, in another channel the industry which it had diverted from its former objects. But it would prove a curse indeed, if the house, after destroying their manufactures should be guilty of an act of such gross injustice and atrocity, as to refuse to take from them such articles of commerce as their industry still enabled them to produce. Besides what would be the consequence of such a proceeding? Did they imagine that they could exercise such a tyranny over India with perfect impunity? Let them recollect what had been the case, when they had endeavoured to exercise a similar tyranny over the people of Ireland. It would be in the recollection of the House, that, before the American war, they had been in the habit of inundating Ireland with English manufactures, and of taking no productions of Irish industry in return. There was even a vote upon their journals, in which the importation of Irish cattle into England was declared to be a nuisance. But, what was the result of such a system? Why, that Ireland, during that disastrous period of our history—the American war—demanded of us, with the bayonet in her hand, that privilege, which we had previously refused to grant her as an act of justice. Now, did the House think that similar conduct could be pursued towards India without producing a similar result? Relying on the unwarlike nature of the inhabitants of India, would they persist in a line of policy that was full of the grossest injustice? And, supposing that they would, could they do so with safety to the important interests which we had there at stake? Did they not know, that the very existence of the British power in India depended on seapoy arms, and the native feeling remaining strongly attached to our interests? If the native feeling were alienated from them, and the seapoy bayonet were wielded against them, their empire in India would not last for a single moment; and, if it once passed away, it would vanish, "and like the baseless fabric of a vision, leave not a wreck behind." They might perhaps imagine that there was no chance of any foreign invasion of India. But he would ask, what would be their condition if they persisted in their present line of conduct, supposing that a second Alexander should, after overcoming a second Darius, find himself on the banks of the Hydaspes or the Tigris, and in a situation to invade India from the north? Did they think that, under such circumstances, the natives would not avail themselves of the opportunity to shake off their yoke? Undoubtedly they would. And he therefore said, that if they persisted in their present course, they would before long have occasion to rue it.

The hon. member then proceeded to show, that if their present policy was contrary to justice, it was no less opposed to their own individual interests. There was no man, who looked at the distress in which almost every part of the mercantile world had recently been involved, who would not admit that it was the duty of the House to adopt such measures as were calculated to increase the general trade of the country. But, if we would extend trade, we must make it reciprocal. Without reciprocity, we could not only not extend our trade, but even maintain it at its present extent. When they reflected on the present low profit of manufacturing capital, and the great temptation to transfer it to other quarters of the world—on our national debt, which hung over us like the sword of Damocles—it was evident, that it was only by extending to the utmost the exertions and the commerce of the country, that we could emancipate ourselves from our present painful situation. Now, there was no part of the world in which the trade of this country could be so much increased as in India. Our commerce with Hindostan was as yet only in its infancy. There was no assignable limit to it, if the House would only permit our merchants to take from India those articles which she was enabled to produce, and would abolish those protecting and discriminating duties, against which his present motion was principally directed. But, great as was the avidity of the natives to purchase English goods, they would be incapacitated from doing so, if they were not allowed to give their own articles in exchange for them, and our commerce with them would not only not be increased, but would not even continue in that successful state to which he was happy to say it had now arrived. It ought to be recollected, that in former times there was a great importation of bullion into India, in return for the drugs and spices which she sent to Europe. Now, he had shown that this importation had in a great degree ceased; and without staying to inquire what would be the effect of withdrawing more bullion from India, he thought it must be obvious to every man, that as India did not produce bullion, all trade with it must cease if it were not permitted to export its own produce. He therefore contended, that, as far as our empire in India was concerned, the House was bound, not only by a sense of justice, but also by a sense of interest, to abolish the restrictions with which the importation of East-India sugar into the home market was at present fettered and impeded.

He should next proceed to consider the question with regard to the interests of the West-India islands. And here he must remark, that the chief argument on which the West-India planters seemed to rely was, that they had a right to these protecting duties: nay, they even insinuated that they had a chartered right to them. In vain did he look for this charter amid acts of parliament and grants of the Crown. But, though he could not find this charter, he found, in the course of his search for it, a fact that was scarcely less important; namely, that the duties on East-India sugar had sometimes been the same as those on West-India sugar; nay, that they had sometimes even been less. Previously to 1813, the duties on East-India sugar were really *ad valorem* duties, and though generally higher, were, whenever the price of sugar was considerably depressed, really lower than the duties on West-India sugar. This was decisive as to the chartered rights of the West-India planters.—The hon. member then gave an historical detail of the various measures by which the West-India planters had obtained the imposition of an extra duty of 15s. on East-India sugar, and contended that, though they might have some claim to protection when the colonial system was flourishing in full vigour, they had none at present when it was relaxed. He then proceeded to point out the measures which he thought the House ought to adopt, even supposing that the West-India planter should have a chartered right to their present protecting duties. The case of Ireland, to which he had before had occasion to refer, formed a case exactly in point. If there was any interest for which the House were inclined to stickle more than for another, it was the agricultural interest. That interest, from long usage and ancient practice, might almost be said to have gained a prescriptive right to an exemption from all competition in the English market with the agricultural produce of Ireland. And yet, in the year 1806, notwithstanding the existence of this right, the House determined on allowing the free admission of Irish produce into the English market. He did not complain of the resolution to which the House had come upon that occasion. On the contrary, he praised it, and thought that it afforded them a fit precedent to follow on the present occasion. It had been said, that the present time was exceedingly adverse to the motion—that it was hard to bring it forward at a moment when the West-India interests were suffering such deep distress. He lamented that distress as much as any man could do; but it was necessary here to look a little at its cause. Its cause was not the competition of East-India sugar; nor its cure, the more rigid enforcement of the monopoly enjoyed by West-India sugar. By one mode only could the distress be relieved—by a general change of the whole system in the West Indies. As long as slavery existed—as long as the poor lands were made to produce sugar—as long as freights continued so high, in consequence of overcharge—so long would the West Indies be distressed. The great grievance was the slave system. Wherever slavery existed the cost of production was so much increased as to render it impossible to compete with those countries where the soil was cultivated by free labour.—Slavery had uniformly produced the same effects, not only in the West Indies, but in Poland, in Russia, and in South America. Mr. Coxe had shown the beneficial effects of substituting free labour for the slave system in Poland, as exemplified in an experiment made by a Polish nobleman, named Sobieski. A similar experiment was made by Mr. Steele in the West Indies, in the year 1787, by which the produce of that gentleman's estates was actually trebled. He was convinced that the abolition of slavery was a measure in which humanity and interest were not only not divergent, but in which they were perfectly reconcilable. He should not compromise the present question, nor acquiesce in any half measures which might be proposed by his majesty's government; for unless the committee for which he moved were granted, he should unquestionably feel it his duty to take the sense of the House upon his motion. He did not call upon the House to make any specific alteration in the existing system, but merely to inquire into the expediency of making some alteration; and he trusted he had stated enough to convince the House of the necessity of repressing a course of proceedings, not only of the most unjust, unfeeling, and unfair character, but full of peril to the commercial interests of this country.—The hon. member concluded by moving, "That a Select Committee be appointed to inquire into the Duties payable on East and West-India Sugar."

Mr. *C. Ellis,* after complimenting the hon. gentleman on the talents he had displayed on this and on previous occasions, said, he thought that the present question was peculiarly unfit for reference to a committee. It was not a matter of detail where local and practical information was required from witnesses acquainted with the commerce or situation of the West Indies: it was a question of state policy and high principle—of regard for vested interests and antecedent claims—in a word, whether this country would make the sacrifice of its West-India colonies for the encouragement of a new commercial speculation. Among the arguments which it had been of late the fashion to introduce on this subject, he must beg leave to protest against those which supported the system of a free, unrestricting, and unlimited commerce. He did not mean to enter into the merits of the general theory, but he denied its applicability to the present question. What the East-India interest required was, not the freedom of trade; they required an equalization of the duties on East and West-India sugar; but they left in full force the prohibitory duties on foreign sugar. They asked for merely so much as would enable them to supplant the West-India colonists in the home market, and afterwards to retain to themselves the exclusive supply of the sugar consumed in this country. As to the argument founded on the indefinite increase of the demand for British manufactures in India, he thought it could not be fairly introduced into this question. Undoubtedly, the demand for British manufactures might be partially increased by the ruin of the West-India colonists; but it was the duty of that House to consider a previous question—whether having established the system now existing in the West-India colonies, it was consistent with sound justice and policy to destroy it? The protection extended to the West-India colonists had been conceded as a compensation for restrictions to which the East-India interest was not subject. If it were not a formal charter, it was an absolute compact with the consideration of value received, and not less valid than positive law. The West-India colonists denied the right of others not subjected to the same restrictions, to participate in their advantages; and on this ground resistance was now made to the claim of the East Indies. The hon. gentleman admitted, that up to the last year, the compact did exist; but he contended, that it was now violated, and the restrictions removed. But for needless detail, he could undertake to prove to the hon. gentleman, that the compact had not been violated or infringed. He would only detain the House while he mentioned the restrictions upon the West Indies according to laws now in force. In the first place they remained subject to all the restrictions regarding the supply of British manufactures. By the intercourse bill of last year, the trade was limited strictly to some articles before permitted to be imported. Nothing was lost to the British manufacturer in point of protection — nothing gained to the West-India planters in point of restriction. The protection to the farmers and provision-merchants of Ireland was the same as formerly—that of the British fisheries remained untouched—and the British ship-owners were still allowed the exclusive carrying trade; all of which were extremely onerous to the West-India colonies. It was contended, that it was the right of the British consumer to purchase sugar wherever he could obtain it; and, with respect to the restrictions, the hon. member opposite expressed his readiness to concur in any measure for their removal. No doubt. And he would find many others connected with the East-India trade who would be of the same opinion. It was not, however, to such persons that he addressed his arguments, but to those whose opinions were not influenced by interested considerations, and especially to his majesty's government, whose duty it was, to protect with impartiality the interests of all classes of the community. This was not merely a question between the East and West-India colonies, but a question between the East-India colonies, and all the important British interests connected with our colonial trade. With respect to our West-India colonies, it should be recollected, that a capital of not less than a hundred millions had been vested in them; and it had been so vested under the sanction of acts of parliament. Many important acquisitions, Demerara, St. Domingo, St.Lucie, Berbice, and other islands, had been made in the last treaty of peace, and the acts which had been passed, extending protection to our colonies, had given a pledge to the country of the value which the legislature set upon them. Would the House, then, at that moment, and under such circumstances, hold out to the country, that in fact all these important acquisitions were good for nothing? Would it at once renounce the antiquated notion, that colonies were beneficial to the parent state? The House could not forget how much the large mercantile marine of the West Indies had contributed to support the naval power of Great Britain. There were other difficulties behind of no slight importance, and which it was far from easy to solve. The negro population in the West Indies consisted of not less than from 700,000 to 800,000 souls; and it was singular that the hon. gentleman had omitted all notice of them in the course of his speech. The ruin would not be confined to a few sugar estates. It would extend to all that was connected with them; to the large breeding farms, to all the tradesmen, and to the negroes in their employment. He did not know what the proportion might be elsewhere, but he would venture to say that in the island of Jamaica, out of a population of 350,000 souls, not less than from 250,000 to 300,000 would be thrown out of work, and deprived of the means of subsistence. What must become of them? His imagination did not enable him to embrace all the frightful consequences of a change so tremendous. Could the supporters of this motion show any other profitable employment for them; or could they hold out a hope of the establishment of a state of society consistent with the resolutions passed last week for ameliorating the condition of the negroes?—There was still one other consideration to which he wished to advert before he concluded. Contemplating this enormous change, was the House prepared to decide what course the country would adopt with regard to her future relations with the colonies? Was she still to maintain them permanently as military or naval stations; or only to keep them until the ruin of the planters was consummated; or was she at once to abandon them, and set them free to any country that thought it worth while to possess them? These alternatives presented no very satisfactory results. They only left a choice of difficulties; and he warned the house not to incur the necessity of solving them. The subject involved a further question, of high moral character, and the sacrifice of valuable British interests wound up with her colonial system. It was enough for him to have shown that these important matters were included in the apparently simple proposition of the hon. gentleman for equalizing the duties on East and West-India sugars, to justify his own vote, and he hoped it was also enough to satisfy the House that it ought not to entertain this motion.

Mr. *Keith Douglas* said, he was quite ready to concur with the observations made by the advocates for the doctrines of political economy. He had no doubt that, if the principle could be universally applied, every branch of human industry might be accommodated in a convenient manner, by enabling the inhabitants of all countries to purchase the articles of which they stood in need at the cheapest rate and without restriction. But, as this universal application was, if not impossible, at least not practicable, he besought the House to recollect that the existing commercial interests of this country were founded upon different principles. The eminence to which that branch of those interests now under discussion had risen, was to be attributed solely to the colonial compact sought to be broken down by the present motion. If the East-India sugars should be admitted to equal privileges which this compact had granted to those of the West Indies, the ruin of the latter colonies would be effected. He would draw the attention of the House to some facts which would illustrate the view he had taken of the interests of the colonies. The value of British and Irish manufactures exported to the West Indies might be estimated at the annual average of 3,560,000*l.* It had amounted to a larger sum during the war, but from the experience of some years past, he was justified in stating that to be the annual sum liable to little or no fluctuation. The number of ships employed in this trade was 1,585, carrying a tonnage of 438,000; the number of seamen was, 23,700; and a revenue of 5,500,000*l.* was annually derived from this colonial commerce. It might be said by gentlemen on the other side, that if this commerce should be transferred from the West Indies, the same advantages would ensue from other sources. He was not prepared to admit this; but if he did, he felt it was impossible that the House should therefore consent, that the individual interests connected with the trade should be sacrificed, unless for some reasons of vital importance to the state. In the last charter granted to the East-India company, a duty of 10*s.* had been imposed upon their sugar, lord Liverpool at that time expressly recognizing the compact for which he (Mr. D.) contended, and guarding against an infringement of the exclusive supply by the West-India colonies. It might be said, also, that the act of the last session, permitting a free trade to the continent, opened advantages for the sale of West-India produce equivalent to those which would be taken away by the present motion if it were carried. It must be recollected, however, that 70,000 slaves were computed to have been carried annually for several years to Cuba, to the Brazils, and to other places, and that the continental markets were, in fact so glutted and over-stocked, that it would be a mockery to call the privilege of sending produce thither a benefit. It had been urged, that the East Indies being also British colonies were as well entitled to protection as those of the West Indies; but he was far from thinking this was a sufficient reason for extending the principle of exclusion to them. In India, forty thousand British subjects swayed, by a sort of magic, the destinies of eighty millions of the native inhabitants. The House, in considering the commercial capacities of a country, must look to the manners and habits of the people. In 1818, that year in which a greater trade had been carried on in India than had been before, or would be again, it appeared, by returns on the table, that the tonnage of vessels employed in the outward and homeward voyages amounted to 205,000 tons, while that of the last year had been reduced to 137,000. This reduction arose, not from the restrictions on sugar, but from other causes. In the same year of 1818, the importation of cotton from the East Indies amounted to 247,000 bags. Supplies then began to come from other quarters, and the prices fell; and last year they had only reached 19,000 bags. Thus a medium of exchange of three millions sterling had been reduced to 120,000*l.* America, in 1818, had supplied 220,000 bags of cotton. Last year, notwithstanding the fall of the prices, the ability and intelligence of the Americans had been such as to send 330,000 bags to this market. It was, therefore, from this cause, and not from the want of sale for sugar, that the East-India trade was reduced. He denied that if all that was sought should be granted, the benefit to the East Indies would be such as was held out. The consumption of sugar in this country was 140,000 tons. If one half of this were transferred to the East Indies, it would furnish them only with an exchangeable medium to the amount of about 700,000*l.* sterling. The proposed measure would be cruel, unnecessary, and unwise, and the mischiefs resulting from it so obvious, that unless some greater advantage than had yet been stated were pointed out, he should persist in the determination he had formed of opposing it.

Mr. *Robertson* contended, that the consumer was benefitted by the present state of things, and that the East Indies produced instances of more degrading slavery than the West. The population of India was divided into four classes, of which the Soudah was the scum, and the Bramin the head. The lowest cast could no more rise to a higher, such were the institutions of the country, than a horse could become a man. The incapacity of India under this wretched system of slavery was such, that she could not even compete with the free labour of Italy for silk, though India had three crops in the year and Italy but one, and the production of sugar required still more exertion. From the destruction caused to the roots of the canes by the white ants, it would be impossible ever to make the growth of sugar in the East Indies sufficiently productive. Though, in 1792, an attempt was made to establish a colony for the growth and manufacture of sugar, China, Batavia, and Java, still continued to supply Bengal and Madras with that commodity. It was not for the interest of the consumer that the present system should be changed, and it would be worse for India herself.

The whole was, in fact, a question between the East-India and West-India agents. The amount of their commission depended upon the amount of the sales of sugar for their respective colonies; and he trusted the House would therefore not hesitate to prefer the vested interests of the West-India proprietors to the interested attempts of these agents.

Mr. *Ricardo* congratulated the House upon the comfortable information contained in the speech of the hon. member who had spoken last, and who had shown, that, what with the white ants and other difficulties, it would be impossible for the East-India planters ever to compete with those of the West-India colonies. The inference from which was, that there was nothing to fear from allowing them the advantage required. On this occasion he would take the liberty of quoting a speech of the hon. member for Sandwich (Mr. Marryat) in 1809, which was marked throughout by its strict adherence to the true principles of political economy. In that speech, the hon. member had contended for the policy of admitting the conquered colonies to an equal participation in the trade with the other colonies of England. The question at that time was, whether the colony of Martinique should be allowed to send its sugars to the British market on the same terms as the other colonies, and the hon. member had then clearly shown, by a train of the soundest reasoning, that the price of sugar on the continent regulating the price in this country, it could be no disadvantage to us that the sugar of Martinique should be sent here. Here the hon. member read the passage of the speech to which he had alluded. He then went on to contend, that the same argument (substituting the East Indies for Martinique) would apply to the question before the House. The sugars of the East Indies would not exclude those of the West. He would maintain, that there ought to be no restrictions on the imports of any of our colonies—that it would be an injury, as well to the colonies as to the mother country, and that therefore we ought to get rid of them altogether. It should also be recollected, that if the proposed measure gave advantages to the East-India trade which it did not possess before, there were disadvantages under which that trade still laboured, which went to counterbalance them. An hon. member had talked of our compact with the West Indies. He would say, in reply, that if any compact existed, by which the industry, either of the colonies or of the mother country, was rendered less productive, the sooner it was got rid of the better. The argument of the hon. member for Dumfries (Mr. K. Douglas) was quite inconclusive, in supposing that we should lose a great portion of the revenue derived from our West-India produce. He did not think the proposed measure would have any such effect, or that we should have the produce of either the West or East Indies at half their present price. He wished that could be proved; because it would render the proposition still more desirable. But he thought it was absurd to maintain, that because our West-India planters had a large capital embarked in the trade, we were therefore bound to take sugars from them at double the price which we could get them for elsewhere. Such an effect would not, however, be the result of the proposed alteration. East or West-India sugars would not be much lowered by it; but we should have this advantage from it, which would be most desirable—it would prevent sugars from rising above their value. Some gentlemen were alarmed at the idea of exporting bullion to India. For himself, he did not object to it; for bullion could not be acquired without the employment of our industry, and if a duty was levied in one case as well as in the other, it was clear that we should not lose any part of our revenue. With respect to the employment of our ships and sailors, it was natural to conclude, that as the East Indies were further off than the West, the proposed alteration would employ more rather than fewer. As to the duty on East India sugar, it was, by their own confession, of recent date, not having been introduced until 1814. What then, became of the ground of long possession? With respect to the effect the measure recommended would produce on the negro population, he did not see any grounds for supposing that it would be injurious. In the first place, he did not believe that we should import East-India sugar to any very considerable amount. But even were the competition to interfere with the sale of the produce of the West Indies, the condition of the slaves, if not improved, would not be injured by the change; inasmuch as the capital now employed in the production of sugar, would, under such circumstances, be converted to the growth of a more beneficial, because a more remunerating commodity. In the speech of the hon. member for Sandwich, to which he before alluded, there was a most extraordinary observation. It the more surprised him, as it was irreconcileable with the sound views entertained by the hon. member. In the speech, however, it was stated, that the price of any commodity did not depend on the cost of cultivation, but on the relation of the supply to the demand. Now, nothing was more unsound. In all cases, the cost of cultivation was sure to regulate the price which any commodity must bear in the markets of the world. As, therefore, the cost of production was acknowledged to be less in the East Indies in the production of sugar, the price of that article in the markets of the world must in the long run be regulated by that cost. There was another observation which was worthy of remark. The hon. members acknowledged, that the greatest advantage would attend a free trade; but, said they, "it is not a free trade, but a participation in the monopoly that the East-India advocates demand." Granted. He would accede to their object; though at the same time, he was prepared to go to a much greater extent. He was ready to allow a free trade on sugar from all parts of the world where that commodity was grown. He would allow a competition not alone of East-India sugar, but of the sugars of South America, Cuba, Brazils, and China. And so would the hon. member for Sandwich, provided he was allowed to import the sugars of the West Indies with the lower rate of duties. It was, however, of those duties which prohibited all competition, that he (Mr. R.) complained; and, with the hope of modifying the evil, he would give his support to the motion.

Mr. *Marryat* said, it was extremely amusing to hear hon. members, proprietors of East-India stock, declaiming in that House on the advantages of a free trade, at the very moment that they themselves were interested in one of the most outrageous monopolies that ever existed in any country in the world. He should be glad to hear that some of those liberal principles had found their way into Leadenhall-street, and that that company had consented to the opening of a free trade with China; but as this was not done, he thought that those concerned ought to be silent on the subject of monopoly, of which they had so much of the profits in their pockets. The hon. member who spoke last had alluded to his opinion, in 1809, respecting a free trade. There was no opinion which he then gave to which he did not still adhere; but the arguments in the case of Martinique did not apply to that before the House. He had said, that as Martinique was placed under colonial restriction, it ought to have the advantages of other colonies; and, if the East Indies were under the same restrictions, he should have no objection to their having the same advantages. He was a friend to the general principle of free trade; but he thought that considerations of our colonial trade, and the advancement of our naval power, might be very fair exceptions to the general principle. The advocates of that school would make every thing bend to their application. As in the bed of Procrustes, they would lop the limb that was too long, or stretch those that were too short to fit the abstract principle. But, in treating of the interests which were the results of a particular system of policy, there existed the necessity of making great exceptions. If our colonial system was mainly constructed with the view of supporting our naval power, that consideration formed an exception to those general principles. With respect to the immediate question, he believed the capacity of the East Indies to produce any considerable quantity of sugar was over-rated; but what he apprehended from opening such an inquiry was, that it would lead to such an extension of the cultivation of sugar in the East Indies, as must eventually prove most injurious to the West-India interest. It was now urged upon that interest—and in the feeling he sincerely participated—that every endeavour should be made to raise the character of the negro population in the scale of society, so as eventually to fit them for the discharge of the duties of free men. If, therefore, that House pressed upon the West-India proprietors at a moment of great distress, regulations injurious to their well-being, did it not disqualify them from making those exertions for the amelioration of the condition of the negro population, which their own decisions had pronounced to be essential? The next question was, did the West-India interest possess the means? The petition which he had had the honour to present from the proprietors and planters of Trinidad, declared the existing distress to be such, that on a capital of four millions invested in that colony, not one per cent. interest, on an average, had been received for the last year; nay, that even a loss had been incurrred. The truth was, that the West-India proprietors and planters had not the means of giving that efficiency to the views of parliament, either as to the moral or religious instruction of the slaves which was felt to be so desirable. Was it, then, expedient to aggravate their difficulties, and render the accomplishment of such an object more unattainable? Besides, were they not bound to look to those results which human experience suggested from the very tenure of colonial connection? When they looked to what had occurred in the former colonies of Great Britain in North America—when they reflected on what was passing in South America as to its connection with Spain, and in the Brazils as to Portugal—it would be infatuation not to perceive that in the East Indies, with a seapoy army of 150,000 men—with a vast population improving in knowledge, and knowledge was power, the materials of future independence were most prominent. If some future Hyder Ally or Tippoo Saib, with equal spirit, but with more good fortune, should seek to put an end to our unhallowed empire in the East, might we not naturally say to ourselves, that we had given them the means of annoyance by bestowing on their country all the advantages of a colonial free trade, without subjecting them to that colonial restriction to which our other dependencies had been submitted? Looking at the question in this point of view, and at all its probable consequences to our West-India trade, he must oppose the motion.

Mr. *Ricardo*, in explanation, observed, that he had never possessed a shilling more than 1000*l.* East-India stock, and never given a vote in favour of monopoly in his life.

Mr. *Wilberforce* wished to remind the hon. gentleman who had just spoken, that the motion which he opposed did not call for any decision as to the question of equalization of duties, but was limited to the propriety of referring the subject, for examination to a committee of that House. Some members had rested their resistance to the motion, on the ground that, if, carried into effect, it would produce the ruin of the West-India colonies. To them he would say, "Establish that conclusion in an examination before the committee, and that will be a reason with the House for resisting the proposed equalization." As to what had been said of the injurious effects which the diminution of the price of sugar must have on the condition of the slave population, experience had proved that the reverse of the argument was the fact. When sugar bore a high price, the slaves were worked by night as well as by day. When it was diminished in value, a portion of the land was withdrawn from the cultivation of sugar, and applied to the production of provisions—a production in which the slaves had a greater interest. It was the inherent evil of the West-India system, that, from the precariousness of its profits, and the vicissitudes to which it was exposed, that attention to the more necessary part—the cultivation of provisions for its population—was neglected. In America, where the climate was unfriendly to the African negro, the slave population doubled itself in thirty years; while in the West Indies, where the climate was at least congenial, the slaves had not only not multiplied, but, with the exception of Barbadoes, actually within the same time, diminished.—The number of slaves now existing in Jamaica amounted to 345,000. Taking, then, the rate of increase as it existed in America, that amount since the year 1790, when the first step towards the abolition of the slave-trade was taken, would, in America, have increased by this time to 890,000. Did not such a fact prove that there was some radical defect in the West-India system? Had the abolition taken place earlier, could any man deny that the West-India interest would have been considerably benefitted?—Had that salutary measure been retarded, what must have been their ruinous condition? Within the last half century one million of slaves had been imported, and yet in Jamaica, there were at present but 345,000. What a destruction of human life, and loss of capital! Much had been said of supposed pledges given to the West-India proprietors. He would ask what became of these pledges when the conquered colonies were placed on the same footing with the old islands? Had St. Domingo been conquered, as the patron of the West-India interest, the late Mr. Dundas, expected, and endeavoured to effect, would not its produce have been allowed to the home market, and on the same footing as that of the older islands? If that was undeniable, any adherence to such presumed pledge was ridiculous. It was admitted, in the pamphlet of the hon. member for Sandwich, that in the course of twenty years almost all West-India property changed hands. This clearly evinced how much a matter of speculation this property was. And as it was now more than twenty years since the house had first legislated on the subject of slaves, the greater part of the property must have been bought with the knowledge of that fact. Had they not then had fair warning? This remark did not apply to the hereditary proprietor, for whom he sincerely felt; though he could not admit that the inquiry which was moved for would at all tend to injure that class of persons. He would repeat an assertion which he had formerly made —that if the whole system of the West Indies were inquired into, it would be found the most unprofitable, to be maintained with the greatest expenditure of men and money, and after all, to be the most insecure, of any of the possessions of the Crown. The present distress in the West Indies was spoken of, as if no distress had ever before been felt there; but in the privy council reports it would be seen, that the assembly of Jamaica had stated that the interest made on all the capital invested in that island was only 4 per cent. Only 4 per cent. on capital in the West Indies! on property in islands which, in the last war but one, were captured by the enemy, and which were now exposed to a danger still greater, as all would allow who had read a proclamation recently published in that quarter of the world. The hon. gentleman concluded by giving his cordial assent to the motion for inquiry.

Mr. *Huskisson* said, he did not rise at that late hour to trouble the House at any length on the subject, but simply to state his reasons for dissenting from the motion. He did not partake of the fears and alarms of the hon. member for Seaford, neither could he participate in the sanguine expectations of the hon. mover, if his motion were adopted. His hon. friend who spoke last had truly observed, that this was merely a motion for inquiry; and, if he could have entertained a doubt of the inconveniences which would result from going into that inquiry, the speech of his hon. friend would have satisfied him, that when once the committee should be formed, instead of the inquiry being confined to the mere commercial question respecting sugar, it would be conducted solely with a reference to the fearful and delicate subject of negro slavery, which, from the result of the discussion on a former night, he had conceived had been decided by the House should be left in the hands of government. He fully agreed with the hon. member for Portarlington, that so long as a surplus of West-India sugar was annually imported into this country, the price of it in the market must be regulated by the markets of the world. The East-Indians were, he was convinced, now contending for a measure which, if granted, would not alter the quantity of sugar imported; or which, if it did, would be injurious in the end to the growers of it. They had already the continent of Europe and the United States to which their sugar might be sent; and the largest export from the East Indies to all parts of the world, excluding England, in any one year was about 4,000 tons, and, including England, about 11,000 tons. But, if the East Indies possessed that power of supply, how was it that all the countries of Europe, who had no West-India colonies, but all of whom before the French revolution possessed factories in India, never bethought themselves of drawing from India this necessary, this cheap article of sugar? But, it was notorious, that France had supplied those countries from St. Domingo; and the real fact was, that on a comparison of the prices, the supply from the East Indies would not have come any cheaper into the European market. He could not help expressing his astonishment that the hon. mover of the question should have confined his argument so entirely to the effect of the measure upon the East Indies. He agreed with the hon. member for Portarlington that, considering the question abstractedly, and without reference to the state of things which had grown out of the colonial policy of this country for the last century—the only point worthy of notice was, where, as consumers, could we get our sugars at the cheapest rate? But, he denied that the question ought to be so abstractedly considered. It was a question to be looked at with reference to a number of complicated circumstances; and far was he from agreeing, that the House might press hard upon a West-Indian because that West-Indian happened to be an owner of slaves. That the West-Indian was an owner of slaves was not his fault, but his misfortune; and, if it was true that the production of slavery was more costly than that of free labour, that would be an additional reason for not depriving him of the advantage of his protecting duty.—There were many of the statements of the hon. mover of the question, which, he was free to own, had filled him with surprise. The hon. mover had said, for instance, speaking of the hardship of not allowing a free trade—"You have destroyed, by your superior machinery, the manufacture of India in muslins; and now you actually are compelling her, although she has no mines, to pay in bullion for the cottons and other goods which she takes from you." Now this, as had been observed by the hon. member for Portarlington, was precisely the reverse of the old argument against our trade with India, when it had been complained, that we should have to pay India in specie for every thing we purchased of her. As for the advantages expected to accrue to India in the shape of employment for her population, from the removal of the duty in question, he believed that those advantages were altogether imaginary: Supposing—what he for his own part did not believe would be the case—supposing that the removal of the protecting duty did lead to an increased production of sugar in India, still the persons who had been employed in manufacturing muslins would not turn their hands to the cultivation of sugar. Such a transfer of labour from one course of action to another would be difficult in any country; and in India the system of castes rendered it almost impossible.—Wishing the question to stand or fall upon its own peculiar merits, he had regretted to hear it mixed up, by some hon. gentlemen, with the topic of the abolition of slavery in our West Indies; but, since that abolition was a point so much at heart, and a point which, according to some hon. gentlemen, the present measure was to assist in attaining, he could not help observing, that the article of cotton, which the hon. mover looked to sending so freely into the East Indies, and from the circulation of which in that country he promised so much advantage to the Manchester traders—every ounce of it was produced by the labour of slaves in the United States or in the Brasils; and the demand for it was one main cause why the slave trade still existed upon the latter station in so dreadful a degree.—He did contend, and he thought the fact was clear, that whatever effect the reduction of duty might have upon the East Indies, it would have no operation upon the price of sugar, as regarded the consumer in this country. As long as—whether from the East Indies or West—we had a surplus of sugar, the price in the market of England must be regulated by the prices in the general market of the world. Whether the East-India sugar came to this country, or went at once to the continent, was a matter of no importance to the home consumer as long as there was a surplus of production.—The right hon. gentleman then went into a comparative statement of the quantities of sugar produced by the old colonies in the year 1789, and at the present time; and also into an account of the consumption of this country at the same periods. The produce of sugar in the old colonies—those ceded to England before the year 1763—had been 90,000 tons in the year 1789; and the home consumption in the same year had been 70,000 tons. The present production of those same colonies was 140,000 tons a year; and the consumption of England now was 140,000 tons. If we had retained only the old colonies, therefore, our supply at the present moment would just have equalled our demand. If we were to admit sugar from the East Indies free, we might upon the same principle admit it free from all the world; but he still denied that the abatement of duty would bring any considerable additional supply of sugar from the East Indies. Bengal, at the present time, imported more sugar from China and from Java, than she sent to Europe. Much of the sugar, almost all indeed, which now came from the East Indies, came free of freight. It came as ballast to vessels. But, if once we were to look to any thing like a considerable supply, we must freight ships with the article in a regular way; and thus a considerable addition would be made to the price. The right hon. member concluded by stating that he was willing to take off the duty of *5s.* which had been laid two years ago upon a particular sort of sugar coming from the East Indies which was thought to be equal to the clayed sugar of the West Indies. Considerable difficulty was found in appreciating this particular sugar. The best judges were often unable to say whether it was a clayed sugar or not. To obviate the inconvenience which the East-India planters suffered from having to send their sugars sometimes to this country, uncertain whether the protecting duty charged upon them would be ten shillings or fifteen, he was disposed to do away with that extra five shilling duty altogether; and should sit down, after that statement, by negativing the motion.

Mr. *Money* rose amidst general calls of "question," and proceeded to speak in favour of the original motion, but the impatience of the House rendered the hon. member inaudible.

Mr. *Forbes* strongly advocated the cause of the East-India sugar grower. He asked, whether the present president of the Board of Control had not stated to the late chairman of the court of directors, that it was the intention of ministers to sanction the appointment of a committee, to inquire into the whole question of the sugar duties? He saw more clearly than ever, that the West-India interest in that House was paramount to every other.

Mr. *Wynn* said, that being called on in this distinct manner, it was necessary for him to say a few words. He wished his hon. friend had given him an intimation that he meant to make the reference he had done, because he would then have recurred to the note which he had written to the late chairman of the East-India company. He must now observe, that he distinctly understood, when the late chancellor of the exchequer had spoken of a committee, that that committee was only to inquire into the additional duty of 15*s.* on clayed sugars, and not to touch on the question of the ordinary duty of ten shillings.

The House divided: Ayes 34, Noes 161.

List of the Minority.

Astell, W.
Alexander, J.
Alexander, J. D.
Baillie, col. J.
Baring, sir T.
Bentinck, lord W.
Browne, Dom.
Calthorpe, hon. F. G.
Cole, sir C.
Corbett, P.
Downie, R.
Evans, W.
Forbes, C.
Grant, right hon. C.
Hume, J.
Kech, G. A. L.
Kemp, T. R.
Lindsay, hon. H.
Maberly, J.
Maberly, W. L.
Marjoribanks, S.
Martin, J.
Money, W. T.
Munday, F.
Pitt, J.
Porcher, H.
Ricardo, D.
Smith, R.
Smith, W.
Stanley, lord
Wigram, W.
Wilberforce, W.
Wells, J.

TELLERS.

Whitmore, W.
Buxton, T. F.

HOUSE OF COMMONS.

Friday, May 23.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a Committee to inquire into the Conduct of the Sheriff of Dublin, sir Robert Heron in the Chair,

Major *Henry Charles Sirr* was called in; and examined

By Colonel *Barry.*—What is your situation?—A magistrate in the head police office in Dublin.

Do you recollect the 14th Dec. last, when there was a riot at the theatre?—I do.

Was the state of public feeling in Dublin, at that time much agitated?—On that night it was, and previous to that it was.

Do you recollect any of the causes which led to that irritation?—I believe, the prevention of the dressing of king William was one.

Do you imagine that that irritation was much increased by the committal of some of the persons supposed to be concerned in that riot, under a capital charge?—Undoubtedly.

You are one of the magistrates that committed one of those persons under the capital charge?—I am.

Can you state the circumstances under which you made that committal?—Under the directions of the attorney-general, the solicitor-general, and Mr. Townsend.

Had you, at the time you made that committal, informations before you, to convince you that it was a capital crime that he was charged with?—There were a variety of informations taken on the subject; I was not aware at the time that it was a capital charge, until I was desired to make out the committal.

You are understood that you made that committal in pursuance of directions from the law officers of the Crown, without having informations before you, convincing you that they authorized a committal for a capital crime?—I did not know the extent of the offence until I was desired to make out that committal, from the variety of informations which were taken in the head police office, and having been laid before the law officers it was necessary to get their opinion upon it before the committal was finally made out.

Are you to be understood, that you saw all the informations which were taken upon the subject, previous to your having committed the person?—I saw several of them; I do not believe I saw all.

Where were the witnesses chiefly examined?—Some at the head office of police, and some in the under secretary's office at the castle.

After the witnesses were sworn, was not the magistrate directed to leave the room?—Sometimes he was, sometimes not.

Were the informations which were taken during the absence of the magistrate, afterwards laid before the magistrate for his perusal?—Several of the witnesses examined at the castle were afterwards re-examined in the office and their informations taken.

Was that after they were committed on the capital crime?—I believe not.

After Forbes was committed?—We had taken informations prior to his committal.

Were the persons bound over to prosecute previous to his committal?—I believe they were.

By you?—By me, whenever I took the informations, certainly; three magistrates are in the office; it will sometimes fall to the lot of one, sometimes of another, to take the informations.

From your own judging of those informations which you saw, you conceived Forbes had made himself liable to be committed for a capital offence?—I conceive, from the high authority from whom I received the directions to make out the committal, that there was sufficient.

If you had not received those directions from high authority, would you have committed Forbes for a capital offence?—I believe not.

By Mr. *Jones.*—Were you brought up as a lawyer?—No.

What had been your private education?—Military.

Were you then acquainted with what would amount to an act of high treason or a capital offence of that description?—In some instances I might be.

In the present instance were you in doubt?—In the present instance I should not have thought there was any thing of high treason in it.

Should you have thought there was sufficient to amount to a capital offence, or had you doubts upon that subject?—I had doubts, certainly.

In consequence of those doubts, did you submit it to the law officers of the Crown?—I was guided by them.

In consequence of the doubts you entertained as to the offence amounting to a capital charge or not, did you take the opinion of the law officers of the Crown?—No, it was not in consequence of that.

In consequence of what was it then that you took the opinion of the law officers of the Crown?—It was in consequence of what was done, certainly, that I received the orders of the law officers of the Crown.

By Mr. *Brougham.*—Did you apply to the law officers of the Crown for their opinion upon this matter?—No.

What are the committee to understand by your saying, that you received the directions of the law officers of the Crown?—It was considered as a Crown prosecution, and immediately under the direction of the officers of the Crown; and as magistrates, we receive their instructions, from time to time, on the informations that were taken.

You are understood to say, that this was a criminal case, in which the Crown was one party: are you in the practice in such cases, of acting by the instructions of that party?—Certainly.

In your capacity of a magistrate?—Certainly.

As a justice of the peace?—Yes, as a justice the peace.

How long have you been a justice of the peace?—As a police magistrate, nearly fifteen years.

Before that period, in what capacity did you serve?—I was likewise a magistrate.

For how many years before those fifteen years?—About nine years.

During the whole of that period, has it been your practice in your official situation as a magistrate, to act according to the directions of the Crown?—No.

Since when did you commence this practice?—It is the practice in Crown prosecutions.

Has it been your practice, during the whole of those 24 years, in cases where the Crown is the party prosecuting, to take the instructions of the officers of the Crown?—No doubt.

Do you mean, that you never exercise a discretion yourself, or that in all cases, whatever your opinion might be, you have held yourself bound by the instruction of the Crown lawyers?—There are some cases that I should suppose do not require their advice.

Suppose they have given you instructions, and that your opinion was different, has it been your practice to follow your own judgment, or the instructions of those officers?—Whenever it was my duty to resort to them, I always considered from such high legal authority, that I was correct in attending to their advice in preference to my own.

What do you mean by the term resorting; did you go to them yourself personally?—Undoubtedly.

Did you state the case, and receive their instructions?—Certainly.

Was this ever in writing, or by verbal communications?—Verbal communications, or through the solicitor of the Crown.

Are you to be understood, that whenever it becomes necessary to resort for instructions to the Crown lawyers, you go to the solicitor for the Crown?—Occasionally, as it may be necessary.

Did you ever go directly to the Crown lawyers, without going to the solicitor?—It might so happen.

What do you mean by those cases in which you deem it necessary to have recourse to their instructions?—Only in cases of state affairs.

Is that your rule in all political prosecutions?—There may be some minor offences that it would not be necessary to do so.

Suppose a man were arrested on a charge of sedition?—Certainly, I should apply for instructions; I would take the informations without hesitation.

Should you in that case proceed according to their instructions, in preference to your own judgment?—It would be their duty to proceed; it would be my duty to take the informations, and act as a magistrate.

What do you mean then by acting by the directions of the Crown solicitor?—Of course the Crown lawyers must be consulted upon it in cases of treason.

Do you mean, that suppose a person were arrested for sedition, before you made out a warrant of commitment, you would apply for instructions to the Crown officers?—No, not in every case.

Would you in any cases of importance?—Not in regard to committal always; I would take it from the body of the information; I should not hesitate in committing, on my own judgment, where a case was so strong that there could be no doubt upon it.

On what cases is it that you describe yourself as being used to follow the instructions of the Crown lawyers?—In such a case as the present I acted immediately under their advice.

In cases where you follow the instructions of the Crown lawyers, what is it you do according to their instructions?—I act according to the instructions I receive.

What do you call acting according to the instructions you receive; do you mean to say you ever follow their instructions upon the question whether you should commit or not?—I should not hesitate in the committal. Nor whether I should take an information or not.

On what questions is it you have taken their instructions?—I conceive I have done my duty when I have taken the necessary informations and committed.

You commit according to your own judgment, and you take the information according to your own judgment?—No doubt.

In what respect is it you follow the instructions of the Crown lawyers?—I do no more than that, it is for them to proceed.

What do you mean by following the instructions of the Crown lawyers?—As to the extent, if the information goes against several individuals, as to the extent of arrest, perhaps, how far each may be involved; some may be more deep than others, and it may not be wise in some instances to arrest, perhaps.

If you have taken the information against the whole number, and made out the warrant of commitment against the whole; what further question remains for you?—If they are in custody, it is a different matter.

If they are in custody, how do you then follow the instructions of the Crown lawyers?—I would commit certainly; it will be for them to prosecute the entire, or not.

Suppose a question were to arise, whether you should hold a person to bail, or to commit him to custody; should you follow the instructions of the Crown lawyers?—Certainly.

Supposing a question should arise, as to the amount of bail to be taken; should you follow their instructions?—I should think it right so to do, in political offences.

Suppose the question were to arise, whether a man should be committed or not for an alleged seditious expression; would you take the instructions of the law officers of the Crown upon that?—I would take the advice of the assistant barrister in the office, upon that occasion.

By the assistant barrister is understood one of the three magistrates, of whom you are one?—Yes.

Suppose the question were to arise, whether this is a treasonable offence or not, and you had doubts in your own mind; would you also take the advice of the assistant barrister?—Certainly.

Suppose the question to arise, whether it was a misdemeanor or a treasonable offence; would you, in that case, take the assistant barrister's advice?—Certainly.

Suppose the question to arise, what amount of bail you should hold them to; would you, in that case, take the assistant barrister's advice?—I should certainly take the advice of my brother magistrates, in that case.

Suppose you, among yourselves, have no doubt, should you act without going further for advice?—If we had no doubts on our minds, we would act.

Do you mean to say it is only in cases where you and your brother magistrates differ, or where you doubt, that you go to the law officers of the Crown?—Either that, or to counsel.

Do you mean to say, you ever go to other counsel as well as to the law officers of the Crown?—We do.

You are not to be understood, that you take instructions from the law officers of the Crown only in those arduous cases to which you have alluded, but from lawyers indiscriminately?—Certainly.

Has this been your practice during the whole of the fifteen years?—It has.

Did you ever, during those fifteen years, take the advice of a lawyer, for a prisoner?—No, I do not know that I did.

But very often of the Crown lawyers, you say?—We have occasionally of the Crown lawyers.

What other lawyers, besides the Crown lawyers, have you ever consulted during those times?—There are barristers appointed as assistant barristers to the police establishment.

Are those for the prosecutors?—For police prosecutions.

Are those barristers counsel for the prosecution always?—Where it becomes necessary to employ counsel for the police, they are called in.

That is where you, the police, prosecute yourselves?—Where we prosecute ourselves.

Have you ever consulted them on any of the arduous cases of a political nature to which you have referred?—I believe we have.

Suppose information were laid, that an individual had used a seditious expression, drank a disloyal toast, for instance; how would you proceed in that case, after taking the information?—It might be a case to make the party find security only to keep the peace; it might not amount to a treasonable act.

Should you, in a case of that sort, consult the Crown lawyers?—We might make a report upon it to the government.

Suppose the Crown lawyers were to desire you to commit the person for a political offence; would you commit him, although in your own judgment, he ought not to stand committed?—If there was proof, that a man had committed such an offence, I think we would be justified in committing him.

But suppose your opinion was, that he ought not to be committed, and the Crown lawyers directed you to commit him, would you commit him, or not?—If they desired me to commit him, I think it is very likely I would, if he was to be tried for the offence; but I would think such an offence as that would be bailable, and I would be bound to take bail.

If you felt you were bound to take bail, and the Crown lawyers directed you not to take bail, which should you do?—I think I should be bound to take bail in a bailable offence.

Suppose any political character of note were denounced to you, by an information, as having been guilty of an act of sedition, should you, in that case, go to the Crown lawyers as a matter of course?—No, not as a matter of course.

However high the political character was, against whom the information was brought?—No, I should think it was most likely I should make it known to the government of the country.

Supposing the government were to direct you to commit that person, should you follow their directions as a matter of course, without exercising your own judgment?—I should certainly follow the direction of the government of the country, and I would use my own discretion, as far as I was capable of judging for the best.

Supposing your own discretion led you to say, that he ought not to be committed, but for the directions of government, would you feel yourself still bound, by the positive direction of government?—If it was not a bailable offence, I should certainly commit.

Suppose, upon the evidence laid before you, you considered he ought not to be committed for this state offence; and suppose the government directed you to commit him, notwithstanding your own opinion of the offence not being a bailable offence, what should you do?—I think if the government ordered me to do it, I would do it.

Have you ever been directed by government, in cases of state offence bailable, to take a great amount of bail, and done so?—I believe I have.

Do you upon the question of the amount of bail, consider yourself bound in the same way by the directions of government in state offences?—In state offences, certainly.

By Mr. *Peel.*—When anything extraordinary comes under your notice, as a magistrate, do you not feel it your duty to make a report upon it to the government?—No doubt.

Are you not required to do so by the act which constitutes you police-officers?—Certainly.

Are there not some cases in which you cannot [illegible] without consulting the attorney-general?—There are.

Do you recollect some cases of admitting of approvers in cases of high treason?—I cannot do that without his approbation.

Should not you be subject to a penalty of 100*l.*?—Yes.

Do you recollect any instance in which, being of opinion yourself, that a moderate sum should be taken, by way of bail, the government required you to take a larger amount of bail?—No, never.

Or their directions as to the amount of bail?—No, certainly not.

By Mr. *G. Lamb.*—In the case of the riot at the theatre, had you any doubt in your mind before you received the directions of the law-officers of the Crown?—I could not form an opinion without I saw the entire informations on the subject, which I did not see, certainly several of the informations were taken in another office, and I believe the principal informations.

You did not make up your mind at all, as to what offence you meant to commit for?—No.

Did you ask the law-officers of the Crown for their opinion?—I waited upon them for their opinion and received their orders upon the subject.

By Mr. *Bright.*—Did the attorney or solicitor general, or any person connected with government send for you, or did you go there of your own accord?—I have gone there of my own accord, and I have been sent for.

On that business?—Yes.

Were you sent for on the first occasion, or did you go of your own accord?—I cannot tell.

Did the first communication upon this business come from you, or from the Crown officers?—I think it is more likely that it came from myself, or from the office.

State what passed at that first interview?—I generally showed the informations that I took to the Crown-officers.

Had you taken any informations at that time?—I am sure I had.

Did you show them to the attorney and solicitor-general?—Undoubtedly.

Was there a conversation at that time between you and the solicitor and attorney-general?—There must have been something said, but I cannot recollect what it was; it must have been upon the examinations, but there were so many taken that really and truly I cannot recollect it.

Did you receive any instructions at the time with respect to the examinations?—I do not recollect that I did.

Did you receive any instructions at the time with respect to the committals?—No.

When did you see the officers of the Crown again?—I saw them very frequently.

When did you receive directions from them?—On the committal of the parties.

Of what parties?—Of Forbes, Graham and Brownlow.

What directions did you receive?—To commit Forbes for a capital offence, and the other two for a conspiracy and riot.

Was anything said about bail?—Nothing.

By Mr. *S. Wortley.*—Did you, in consequence of those instructions, commit those gentlemen for the treason?—Not for the treason.

For a capital offence?—I did.

Had you at that time read over all the informations?—Not the entire of them.

Had you signed any depositions or informations?—I had.

Had you signed any depositions or informations that you had not read?—No, never.

Did you hear the depositions given by the witnesses?—I did certainly.

Did you sign any deposition that you did not hear given by the witnesses?—The depositions that I took must have been read to the witness, or he must have sworn that he read them.

Do you recollect having seen any deposition which was not sworn to by the witness in your presence?—Oh! certainly not; he must have been sworn to them, before I signed them; I could not be guilty of such an act.

Do you distinctly recollect, that you did sign no deposition to which you had not seen the witness swear?—Certainly I do not.

In point of fact, for what offence were those persons committed?—Forbes was committed for a conspiracy to murder.

Upon the informations themselves, were you, in your judgment, satisfied, that there was sufficient evidence to commit him upon that charge?—Not as to a conspiracy to murder; I was not capable of judging, for I had not seen all the informations.

Upon the informations before you, was there sufficient to induce you to commit them for a conspiracy to murder?—Not upon those that were taken before me.

How did you proceed, previous to signing the committal?—I heard a great number of persons examined upon oath.

Upon the whole examination before you, were you satisfied there was sufficient to induce you to commit them for a conspiracy to murder?—In my own mind I certainly should not, if it was left to myself, have committed for such an offence.

For what offence would you, in your own judgment, have committed?—For a conspiracy to riot, and a riot.

Then how came you, thinking in your own judgment there was not sufficient to commit for a conspiracy to murder, to commit for that offence?—I had the legal instructions of the law officers of the Crown; I concluded, from the importance of the informations they had before them, that it amounted to that.

In point of fact, you committed for a conspiracy to murder, on the instructions of the law officers of the Crown, and not from your own judgment on the informations laid before you?—Certainly.

By Mr. *Bright.*—Did you act at that time as a justice of the peace?—Certainly.

Is it your habit, in Crown cases, to commit without hearing the whole of the informations?—One information may justify a committal.

Supposing that one information should not justify a committal, would you commit without hearing the whole of the informations?—Certainly not.

In this case, did you hear the whole of the informations?—They were not all taken before me, or in the office.

How came you then in this case to commit, without hearing the whole of the informations?—I did not think it was necessary.

You did not consider that it was a case of a capital offence?—I must have considered it so, when the attorney-general considered it so, his opinion was superior to mine.

But not in your own judgment?—I should not have thought it so, until I heard the attorney-general declare it.

How was it you did not hear the whole of the informations read to you, prior to your committing for the capital offence?—There were several informations taken at another office that I did not see, I saw copies of them certainly.

Did you see the copies of the whole of the informations?—I will not pretend to say that I saw them all, for they were very numerous.

Do you not consider it your duty as a police magistrate, to see the whole of the informations?—Probably it would be better if I did.

Has it been your habit prior to this, to see the whole of the informations previous to committing for a grave offence?—Certainly, all informations taken at my own office, at the head office, where the committal is issued from, certainly.

Then this is the only instance to your recollection, that you have committed for a grave offence, without seeing the whole of the informations?—I do recollect, and I do believe, that I read the informations, on better recollection.

Did you read the whole of the informations?—Yes, it is so distant I cannot speak positively, but I am inclined to think that I read them.

Then you correct the prior testimony you have given?—It is so far back I cannot say; and I do assure the committee, I must hope for excuse, I have not been very well and my memory is not so perfect as it used to be, after a very serious fit of sickness, and I should plead that excuse.

By Sir *J. Newport.*—Was there anything that distinguished the communication upon the present occasion, from the communication that you had at former times, during the time of your magistracy?—No, I think not.

By Mr. *Brownlow.*—Did you propose to the law officers of the Crown, to take bail for Mr. Forbes, instead of committing him to gaol for the play-house riot?—No, I do not think I did, I do not recollect any such circumstance.

Joseph Gabbett, esq. called in; and examined

By Colonel *Barry.*—What is your situation in the city of Dublin?—Police magistrate and barrister of the 6th division of police.

Was there a good deal of irritation of the public mind, previous to the riot at the theatre on the 14th December?—A great deal, of which I was personally a witness.

Will you mention the nature of those facts to which you were personally a witness?—There were several attempts made, to dress the statue; there was a deal of excitement of the public feeling produced by the presence of the police, for the purpose of preventing the dressing of the statue; that collected of course crowds, and excited a great deal of feeling in the public, on the one side of the Orange party, who were anxious to maintain the point of dressing the statue in opposition to the lord mayor's proclamation, and the order of the government; and on the other hand, irritation in the minds of those who pursued that measure, and crowds collected by day and by night round the statue.

Do you recollect any persons having been wounded by the military round the statue?—I do.

Was there any civil power present, when the military rushed out upon them?—Not at the commencement of the business.

There were two wounded by the military, were there not?—There was a man that came before me at my office on the following morning; it did appear, that one or two persons, I think two persons, were wounded by the bank guard upon that occasion. It appeared, that a number of persons had come to the statue in the course of that night, and that some of them had actually mounted the statue and thrown a cloak round it; the bank guard came out upon the occasion, and endeavoured to disperse them; it appeared, that those persons were in liquor, and they gave some opposition to the military, and made use of some insulting expressions to the military; and it so happened, unfortunately, that one or two persons were on that occasion wounded by the bayonets of the military; on the alarm being communicated at the office to which I belong, one of our police officers went down; I believe one of those persons had been wounded before he went down; I made a report of it, and I believe there was an investigation upon it at the barracks.

Were you present at the inquiry which afterwards took place?—I was.

What appeared upon the subject of the orders to the military, as to their acting?—Upon the investigation which took place at the barracks, at which I attended, it appeared that there had been some orders; there were two orders for the direction of the officers of the guard, and the order was issued from the governors of the bank, and that confined the attention of the guard to the defence of the bank; but there was another order under which they appeared immediately to have acted, which charged the bank guard with the protection of the statue from being disfigured; I saw the officer of the guard, I requested his attendance at my office that morning, and he stated that as his justification, stating that the one order appeared to disagree with the other, and I felt it my duty in reporting to the government, to call their attention to the circumstance of those orders being inconsistent the one with the other.

Do you know whether they were written orders, or verbal orders?—They were orders of long standing; the officers upon that inquiry were not able to trace the origin of that second order to which I allude, the order giving the protection of the statue in charge of the military.

Do you know whether it was written or printed?—I do not recollect that I saw it, but it was an order of some long standing; I was present when sir Colquhan Grant, through whom these orders were to pass, said he knew nothing of it. The officers on that court of inquiry disclaimed having any knowledge of it until it became a subject of inquiry.

Sir Colquhan Grant is commanding officer of the garrison?—It was through him the order should have passed, if it had been a recent order; I do not exactly know his department.

What did you understand by an order of long date?—The officers who attended upon that court of inquiry, stated to me that they had referred to the orderly-book, and were unable to trace it, and I heard sir Colquhan Grant disclaim having any knowlege of any such order.

Then in fact there was no record of the order shown to you at all?—The officer of the guard stated to me that there was such an order; he stated that to me the following morning, and that there was an inconsistency between that order and the other order for the government of the bank guard, and I reported it at the head office, and through them to the government.

Was there, in point of fact, any specific order ever shown to you upon the subject?—According to my recollection, it was read to me upon that occasion by the court of inquiry, and I have no doubt there was such an order, both from the report of the officer of the guard, and the officers on the court of inquiry.

You cannot form any opinion as to the date of that order?—No; if there had been a date to it, there would have been no difficulty in tracing it to its origin.

Did you attend the court of inquiry?—I was called upon as a magistrate, and attended there, while the officers of my office were under examination.

Were there any informations produced before you from the persons who were wounded?—No, the person who was wounded went to the head office that morning, and I understood he swore informations there; it came before me. A gentleman who had actually mounted the statue was brought to my office as a prisoner, and I discharged that gentleman on taking bail for his appearance.

Did you not commit some persons on a capital charge, in reference to the riot at the theatre?—I committed Henry Handwich and Graham.

On a charge of conspiring to kill the lord-lieutenant?—I did.

State the grounds of that committal?—I had previously taken informations in my office against those two persons, the one for throwing the rattle, and the other for throwing the bottle; I had committed them upon those informations. There was an application made to me for bailing those prisoners, and upon that occasion, feeling it be to a very serious case, I thought it my duty to confer with the officers of the Crown upon the occasion. I spoke to the attorney and solicitor-general upon the subject, and it was their opinion that I should not, in that state of the business, bail the persons, but that all the informations taken and to be taken, should be sent to them for their consideration; and they would, after they had fully investigated the case, inform me what their opinion was upon the subject. There was an inquiry then at the castle, before the attorney and solicitor-general, and also at the head office, for the course of six days, at the end of which I was called upon to attend at the head office for the purpose of revising the capital committals. I did attend there, and assist in framing, in concert with Mr. Graves, the barrister magistrate of that office, those committals. They were revised by the officers of the Crown, the attorney and solicitor-general and Mr. Townsend, who conducts the prosecutions on the part of the Crown, and I did sign the capital committals against those two persons against whom I had taken those informations; but I should also state to the House, that independently of those informations which I took at my own office, I was present at the head office of police when a further information of a much stronger nature than those I had taken, was taken there before the magistrates of that office under those circumstances; those informations having disclosed facts, which I thought amounted to evidence, to go to the jury to sustain the capital charge, I thought it was my duty to follow the advice of those three learned counsel, in signing the capital committal; I signed the capital committal only against those against whom I had taken the information, the one for throwing the rattle, and the other for throwing the bottle.

Did you or not coincide with the law officers of the Crown in respect to the capital charge?—So far I did coincide, that I acted in pursuance of the suggestions communicated from them to me, through the magistrates of the head office.

Had you been left to your own discretion, would you have committed for the capital offence?—I certainly, if I had been left entirely to myself, should have required the whole of the informations to be laid before me, to exercise my judgment upon them; but I do think that if I was pressed by the prosecutor, in an ordinary case, to submit the case for trial in that shape, there being evidence to go to the jury to sustain that charge, however I might as a magistrate discourage a rigorous prosecution, I should hold it to be my duty to sign a committal upon the capital charge.

Was there sufficient evidence came before you, in your opinion, to justify a committal for a capital offence?—I thought there was evidence to go to the jury with.

If you had been left to your judgment, would you have committed for the capital offence?—Upon the best consideration I have since given to the subject, I was warranted in the opinion, that the facts disclosed before me, amounted to a constructive levying of war against the king. I really felt that at the time, and stated that, without consulting with the counsel for the Crown, as my reason for refusing to admit the parties to bail.

Your opinion coincided with that of the law officers of the Crown?—As to the conspiracy to murder, I have not said so. If I was to recommend a prosecution in the most rigorous form, it would have been for a constructive levying of war, which amounts to high treason.

Are you to be understood, that your opinion did not coincide with that of the law officers of the Crown?—I really acted a good deal in faith on the law officers of the Crown. I had that reliance on their knowledge, their talent, and their integrity. They having come to that result, after six or seven days investigation, I thought that it furnished a very sufficient ground, coupled with the facts which were before me individually, for signing the committals. I really did not speculate on what was likely to be the event of the prosecution.

By Mr. *Browne*.—Do not you hold yourself personally responsible, as a magistrate, for your committals?—Of course, I am liable to the censure of the court of King's-bench, and of parliament, and I am liable to an action, if I misconduct myself.

Should not a magistrate make up his mind as to the committal?—I had made up my mind, that there was evidence to go in support of a prosecution, if it should be the pleasure of the government to prosecute in that rigorous form.

Had you heard the whole of the depositions?—No, I had not. There were several witnesses examined on the ex-officio informations, that had not been sworn before me.

Did you require to hear the whole of the depositions, prior to committal?—I did not.

That is not necessary?—No; I think it is quite sufficient for any prosecutor to produce such witnesses before a magistrate as furnish matter to justify the committal; and I think it is in the discretion of the prosecutor, what number of witnesses he shall produce. There may be very good and sufficient reasons for prosecutors not producing all their witnesses in a public office.

Were there sufficient witnesses produced before you to satisfy you as to that committal?—I do really think there were witnesses sufficient produced to justify the going to a jury for that offence.

By Sir *J. Newport.*—How long have you been in the office of magistrate?—Nearly seven years.

Was that subsequent to the publication of the work called "Gabbett's Digest of the Law?"—Yes.

You were placed in the situation you now hold, as a testimony of respect for the service you had rendered the public?—I was so informed.

By Mr. *Plunkett.*—Do you recollect being with the police on any night in November, when there was an attempt made to dress the statue?—There were different attempts made on the nights of the 3rd, 4th, 5th, and 6th of November, I was up almost the whole of those nights; one night entirely; but on the sixth there was a very serious attempt made, in opposition to the police force to dress the statue.

Do you recollect any person being mounted on the statue that night?—There were three persons mounted on the statue; I was called at about two o'clock in the morning, and they were not able to remove them till about six.

Do you recollect who any of those persons were?—Henry Handwich was one of the persons.

Mr. *Pascal Paoli Field* called in; and examined

By Col. *Barry.*—What is your situation?—I hold a situation in the bank of Ireland.

Do you recollect being examined by any persons, as to the transactions that took place at the theatre on the 14th of December?—I do.

Where?—In a room in Dublin Castle.

Do you know who the persons were?—The attorney-general for Ireland examined me. There were other gentlemen present, whose names I do not immediately recollect; there was a Mr. Carmichael present.

Was any oath administered to you?—There was; major Sirr administered the oath.

After the oath was administered, what became of major Sirr?—He left the room.

And you were left in the room with the attorney-general, and some other gentlemen?—Yes.

Do you know who Mr. Carmichael is?—I believe he is either the solicitor or the clerk of the Crown.

Will you state what happened on your examination?—I was asked by the attorney-general, if I had been at the theatre on the night on which the row had been stated to have taken place; I said I was not. I was afterwards asked, if I had any thing to do with the circulation of tickets, or with subscribing to the purchase of tickets for the admission of persons for that purpose; I said I had not. I was asked if I had any thing to do with the throwing the bottle or rattle, or if I had countenanced such proceedings; I said I had not. Shall I state my observations? My feelings were indignant (excuse me) at the supposition that I, who held his majesty's commission in an Irish regiment of militia; I was a subaltern officer. I felt, I say, indignant at the supposition, that I, who received the pay of his majesty, and drew my sword for the protection of his British subjects, should be charged with an attempt to insult or injure his majesty, or his majesty's representative, or to infringe on a charge or request that his majesty, I was informed, had uttered to his people of Ireland on his departure.

Were your depositions taken down in writing?—I suppose they were—a Mr. Carmichael was writing at the time I was speaking.

Were you then dismissed for the time?—After other questions, I was.

Was there anything further particular passed?—Yes; I was asked, if I had heard any conversations upon the subject. I was confused, of course, at the moment, being sent for in a hurry, having no apprehension of anything of the kind; and I said, that I had heard many conversations, as any citizen or person in my walk in life might have heard. I was asked what the conversations I had heard were; I said I had heard various conversations. I was then asked whether I had heard any thing respecting the lord mayor of Dublin; I said I had heard conversations respecting him. What were they? that he had made himself unpopular; in what respect? In not allowing the statue of king William, in College Green, to be dressed according to the old custom of the country.

Were those depositions that were taken down ever afterwards shown to you, in order to be sworn?—They were not.

Were any depositions ever shown to you in the police-office, for you to swear to?—There were.

Did you swear to them?—I did not.

Why did you not?—Because I did not conceive that they agreed, or bore the slightest resemblance to the original inquiry made of me.

You conceived them to differ essentially?—I did materially.

And you declined signing them?—I did.

Did you give that reason at that time?—Yes, to alderman Darley.

Do you know who was present when you were examined in the room at the castle?—I cannot take upon me to recollect the names, time has affected my memory sufficiently not to recollect; I was greatly confused at the moment.

By Mr. *Goulburn.*—Did you know Mr. Carmichael before?—Yes.

Did you know the attorney-general before?—I did.

Did you know the solicitor-general?—Mr. Joy, I did.

Was he present?—I think he was, I cannot say positively.

Was Mr. Townsend present?—I am not positive. There were many present, but for me to say positively who they were, would be taking too much responsibility upon myself.

What number were present?—There were four or five, or six or seven present, I cannot take upon me to say how many.

Do you recollect any body being present but alderman Darley, at the time you refused to swear to the depositions?—There was.

Who?—Mr. Pemberton.

Were you much confused at the time of this examination at the castle?—Yes, I was.

Did that have any effect upon the answers you gave?—No, I do not think it had any, for I paused sufficiently.

Did it, or not, affect the answers you gave?—I think it might, in some respect.

By Mr. *Jones*.—You have given a string of questions and answers; are you sure all those questions were put to you, and all those answers given?—I am.

And yet you cannot state the names of any person present, except the attorney-general and Mr. Carmichael?—I cannot speak to their names.

How many persons were there?—I suppose five or six.

What is the reason you cannot name others?—Because I had my face to the attorney-general.

How is it, that, though you cannot name the persons who were present, you have so distinct a recollection of what passed?—Because those questions agitated myself; because I felt hurt that such ideas should be harboured of me.

Did you make a memorandum immediately afterwards, of the questions put to you, and the answers you had given?—No, but I repeated immediately to Mr. Alderman Darley, and to Mr. Williams of the bank of Ireland, what had occurred.

Did you make any memorandum immediately afterwards, of the questions put to you, and your answers?—Afterwards, not immediately.

How soon afterwards?—Two or three months.

Have you got that memorandum with you?—I have not in my pocket.

You have it in town with you?—I have

You will take upon you to say, that the precise questions, or tantamount to those you have stated, were put to you, and the answers you have given were given by you?—Yes.

Can you bring that paper with you at a subsequent time?—I can.

Do you recollect the difference between the deposition read over to you, and your actual deposition?—It began, "the deponent saith, he knows no more about it than a man walking through the world."

Had you used those words?—Not those actual words; I had said what I did actually relate: "that I knew no more of it than any cithen of the world in the walk of life I was in."

There was no essential difference?—No, not essential, perhaps.

What essential difference did you find between the deposition you had made, and the copy which was shown to you?—On looking at the head of the paper it was proposed to me to swear to, I saw so great an alteration, that I said, "Mr. Alderman, this differs so much from my deposition, that I cannot take upon me to sign my name to it."

Do you remember any other differences?—No; I just looked at the commencement, and seeing those words, I refused to go any further.

You had said, that "you knew no more than a citizen of the world in your walk of life;" and they had written it "that you knew no more than a man walking through the world?"—Walking through the world may be a figurative expression, but I had not used the word.

Did you read the other part of the deposition?—I looked through the deposition, but cannot recollect it.

Did you find any essential difference in any other part?—To the best of my knowledge, I did.

There was a material difference?—Yes, to the best of my recollection.

By Mr. *Plunkett*.—Are the other differences as important as the first one you have mentioned; the first was, that you were represented to have said, that you knew no more of it than a man walking through the world, whereas you might have said, that you knew no more of it than a citizen of the world, in your walk of life?—Yes.

Were the other differences as essential as that?—Yes, I believe they were; but I cannot take upon me to say that they were, for I laid it down directly.

Mr. *William Ribton Ward* called in; and examined

By Colonel *Barry*.—What is your situation?—I am a solicitor and attorney residing in Bagot-street, Dublin.

Are you the confidential man of business of Mr. Sheriff Thorpe?—I am.

Do you recollect the sheriff receiving a letter, by direction of the attorney-general, respecting the impanelling of the juries?—I recollect the sheriff called upon me, and showed me a letter signed Thomas and William Kemmis, which stated, that it was written by direction of the attorney-general.

Do you recollect what passed between you and the sheriff upon that occasion?—I told the sheriff, that as I was unacquainted with city business, I was incompetent to give him any advice upon the subject, but recommended him to consult with the sub-sheriff, and if they could not agree, to be advised by counsel; at the same time I stated, that were I in his situation, if it was my right to return the panel, I would stand by my right, that I would return a fair and impartial panel; that he was an officer appointed between the king and the people, and bound to return a fair and impartial panel, and to do justice between both. He replied, that it was always his intention to return a fair and impartial jury.

Do you recollect the day on which the January commission grand jury ignored the bills of indictment, against the persons charged with the riot at the theatre?—I do.

Were you in the Town-clerk's office on that day?—I was.

Was sheriff Thorpe in the office?—Not when I went in.

Did he go in afterwards, before you left it?—He did.

Did he leave the office before you left it?—He did a long time.

Were any other persons in the office at the time that sheriff Thorpe and you were together in the office?—There were several. There was a Mr. O'Reilly, a Mr. John Chagneau, a Mr. Francis Lodge, a Mr. William Hall.

Was there a Mr. M'Namara there?—I do not recollect to have seen Mr. M'Namara there.

Did sheriff Thorpe address you, or any other person in your hearing, saying there would be no bills found, and that he had managed it well?—I did not hear sheriff Thorpe make use of those expressions. He certainly made use of no such expressions at the time.

Was he near you during the whole time he was in the office?—I think he only came in and passed by me, and went out again.

You are positive he made use of no such words to you, or to any other person in your hearing?—I am positive of it.

Could he have made use of such words, and you not have heard them?—I think not. He passed near me in coming in, and passed by me in going back again.

For what object did he go into the office?—I think he left his sword there, but I have only an indistinct recollection of the fact.

He left nothing else there?—Not to my recollection.

Did he come in with his round hat on, or his dress hat as sheriff?—I rather think he had a cocked hat on.

Did he leave his cocked hat?—I think he did not.

Did he open his mouth, and say any thing?—He did.

What did he say?—He put his hand to his mouth and said, "Mum, is Milliken here?"

Did he make any other observation?—None but that.

What did you conceive him to mean by that?—I am rather inclined to think, I put a question to him, I think it was either "have the jury returned the bills," or "can you get me examined by the jury, for I do not wish to stay;" one of those questions I think I put, and he put his hand upon his mouth and said "mum, is Milliken here," or "Milliken mum," it is the oddity of the expression that made me recollect it.

Do you know whom he meant by Milliken?—The bookseller in Grafton-street.

Was not Mr. Milliken the person who had charged the sheriff with making use of some improper expression in the theatre on the night of the riot?—I have heard so.

Mr. Thorpe denied the expressions in the paper, did not he?—Yes.

And Mr. Milliken made an affidavit?—Yes.

Then Mr. Sheriff Thorpe thought Mr. Milliken was a person it would not be safe to use an expression before, that he did not wish to be reported?—I think that he would.

You think, when he said, "mum, is Milliken here," he would not like to speak very freely, unless he knew whether there was an enemy present?—I did not take the words in that meaning, what was conveyed to my mind was, that he meant it as a cant or wit, it was a cant word used in Dublin after that affidavit, when a question was asked, "mum, is Milliken here."

Do you know where sheriff Thorpe came from?—I do not; but I suppose he came out of the court.

Did you suppose he had been with the grand jury?—No, I cannot suppose that, for the jury room was locked.

Why did you ask Mr. Sheriff Thorpe whether the bills would be soon returned?—I did not ask him any such question; I asked him whether the bills were returned.

You do not know where he came from?—No.

Had he any conversation at all about the bills?—No, not that I recollect; I do not think the sheriff said any thing but that I have stated.

Are you quite sure the sheriff did not say anything about the grand jury, or about the bills?—I am perfectly satisfied he did not, in my hearing.

Could he have said anything without your hearing?—Indeed I think I might say positively, that he could not; for I must have heard it, if he said it.

Do you now say, he could not have used any expressions, with respect to the grand jury or the bills, without your hearing it?—Indeed I do say positively, that he could not have used any expressions with respect to the grand jury or the bills, without my hearing them.

Will you take upon yourself to say, Mr. M'Namara was not in the office at the time?—Positively I will not.

Do you know Mr. O'Reilly?—Yes. We have been long concerned, on opposite sides, in an equity suit.

Had you any conversation in Mr. Henn's office, since Mr. O'Reilly and Mr. M'Namara were examined here?—I have.

Was Mr. Corcoran present at any conversation you had?—He was.

Did you make any observation to Mr. Henn, the master, relative to what was alleged to have passed?—Yes, Mr. Bourchier wanted me to go into a reference on Mr. Hudson's cause. I told him that I expected to be summoned to parliament, and could not go into a reference until I returned.

Did you say anything with respect to the conversation that had passed in the office on the day of ignoring of the bills?—Yes; I said, in consequence of what I had seen in the paper, I expected to be summoned to parliament.

Did you say anything in respect of the expressions the sheriff had then used?—No; I gave some indication that what had been stated here was not truth.

Did you positively say, that the conversation had not passed?—I did.

Was Mr. Corcoran near you?—He was very near.

Mr. Plunkett here stated, that Mr. M'Namara and Mr. O'Reilly were desirous of being confronted with this witness.

[Mr. *Dillon M'Namara* was again called in, and the evidence of Mr. Ward was read over in his presence.]

By Mr. *Plunkett*.—You have heard the evidence Mr. Ward has given with respect to the possibility of the sheriff having made use of the expressions upon the subject of the grand jury ignoring the bills, with reference to which you were examined here on a former day; did you, in the sheriff's office, on that day, hear him make use of any expression with respect to the bills being ignored, or the bills not being found?—I did.

State, as nearly as you recollect, what it was?—Mr. Sheriff Thorpe came into the office, and stated to some gentleman near the fire-place (who that gentleman was, I could not possibly have known, but from what I have heard from Mr. O'Reilly, he has refreshed my memory upon that subject, of the gentleman that he expressed it to), he told him there were no bills. Being asked whether the bills had come down; he said, no; but that he might make his mind perfectly easy upon the subject, or something to that effect.

Do you believe the gentleman to whom he expressed that, was Mr. Ward?—I believe it was. I saw Mr. Ward in the office that day.

Have you any doubt of the expressions being used?—None whatever.

You have stated, that he used some such expression as "have not I done it well?"—I have.

Are you quite positive that an expression of that kind was used by him?—I am.

How long do you suppose sheriff Thorpe was in the office, from the time he came in until he left it?—I should say from three to five minutes. I left it almost immediately, and went into the adjoining room; he might have remained a longer time.

Have you any means of knowing, that Mr. Ward was the person the sheriff addressed, except by since hearing?—No.

As you say you are not certain whether Mr. Ward was in the office at the time the sheriff made use of this language, what reason have you for supposing that Mr. Ward was the person that the sheriff had addressed more than any other person?—Merely from what Mr. O'Reilly stated to me, that it was Mr. Ward he was speaking to.

Did Mr. O'Reilly say that to you, before either of you were examined here?—He did.

Do you know a person of the name of Hall, an attorney?—I know there is such a person; I have very little acquaintance with him.

Did you have any conversation with him upon this subject?—Never. No conversation on earth on this, and very little on any other subject.

Do you recollect the words, "mum, is Milliken here," by Mr. Sheriff Thorpe?—No, I do not.

Have you listened attentively to the evidence of Mr. Ward, as read by the short-hand writer?—I have.

Are you clear, that the evidence of Mr. Ward and your own, relate to the same occurrence?—I declare I cannot say, Mr. Ward may be quite correct in what he has stated; this conversation may have passed at another time when I was not there; I will not undertake to say that it is not correct.

You will not undertake to say that it relates to the same occurrence?—I cannot.

Was Mr. O'Reilly in the office the time the sheriff was there, and said that you have stated?—Yes.

Did you leave the office soon after?—Yes.

You were in the sheriff's office together, and travelled together?—Yes; it was not on that business I went there; I was in no way interested in the transaction at all.

For what purpose did you go there?—I went on a bill which was preferred against Mr. O'Meara, and I was to have been professionally concerned for a person prosecuted with him.

Mr. O'Reilly told you, positively, that the gentleman, to whom the sheriff addressed his conversation, was Mr. Ward?—He did.

Was there any other person present, except the person whom you consider as Mr. Ward?—There were six or eight persons in the office at the time.

Were you in the office till Mr. Sheriff Thorpe left it?—I rather think not.

Did Mr. Sheriff Thorpe pull off his sword or his hat?—I do not know.

Can you say he did not pull off his hat?—I cannot.

Mr. *Terence O'Reilly* was again called in, and examined as follows

By Mr. *Plunkett*.—You recollect having been in the office at the court-house on the day the bills were ignored?—I do.

Will you state whether you have a distinct recollection of any expressions used by sheriff Thorpe upon that occasion, and to whom?—Mr. Sheriff Thorpe came into the office of the clerk of the Crown, and stated that there would be no bills found; and had not he managed the business well, and he then changed his dress and went out.

To whom did he address that conversation?—I conceive he addressed it to this gentleman (Mr. Ward).

Who spoke first, Mr. Sheriff Thorpe, or that gentleman?—I am disposed to think the sheriff spoke first; probably the sheriff asked him, "How do you do, Charley;" I know he addressed him by the name of Charley.

How long did you stay in the office?—I was there from an early hour in the morning until after the attorney-general quitted the court.

Did Mr. M'Namara quit the office before you?—We quitted the office together.

How long was the sheriff in the office?—Probably about fifteen or twenty minutes.

Did you and Mr. M'Namara remain in the office after Mr. Sheriff Thorpe had put on his great coat?—We did, near an hour.

Whereabouts did Mr. M'Namara stand while he put on his great coat?—I cannot be positive whether he stood at the same spot during the whole time; but at the time the words were used, I have a positive recollection that it was at the passage; there might be a bar across here, and he was standing just there.

Was the great coat put on there?—It was not a great coat, it was a surtout.

What did the sheriff do with his sword and hat?—As to his hat, I am not quite positive; but I think he put it in a place under the desk.

Mr. M'Namara must have been in the room during the whole time this was going on?—I think he was.

Did you see him go out?—He was going in and out from that into the court, across the passage, and into the interior office, belonging to the clerk of the Crown; which of the places he was in at the particular time I cannot say.

Were you near Mr. M'Namara at that time?—He was in the office, but I was as far from him as to that table.

Was he there during the time?—I am not quite positive; I think he was.

Did Mr. M'Namara ever mention to you the name of Ward, in respect of this matter?—Never.

Did you mention the name to him?—I did. He said there were some persons present, and he did not recollect who they were; I said, Mr. Ward was the person present, and I knew him.

How long was sheriff Thorpe in the office?—A short time; I think not more than twenty minutes at the time this conversation took place.

Whereabouts in the office was Mr. M'Namara during those twenty minutes?—To the best of my recollection he was standing in the passage, between part of the office which divides where the clerks sit and the other.

During the remainder of the twenty minutes during which sheriff Thorpe remained in the room, did you hear him say anything else?—He might, but I do not recollect it.

How was he occupied?—He came out from some place, where he got this information, and went behind the counter, and took off his dress coat, in which he was assisted by this gentleman, and then went away.

How was he occupied during the interval that elapsed after using those expressions?—In conversation with this gentleman.

Did he put on his surtout coat immediately on making use of those expressions?—No, not for some time.

Then it is possible that he might have made use of the expression "mum Milliken," and you not have heard it?—He might to Mr. Ward; upon that occasion he might.

Mr. *William Ribton Ward* further examined

By Col. *Barry*—You have heard the evidence Mr. O'Reilly has given; after having heard that evidence, do you deny that conversation which he has stated?—I do, positively.

At what time of the day was it when you were in the office?—I think it was between two and three o'clock.

Mr. *Terence O'Reilly* further examined.

You have heard the evidence of Mr. Ward; he states that the sheriff did not remain in the office more than about three minutes, and you have stated that the period he continued in the office was twenty minutes?—I said from fifteen to twenty minutes; I cannot be accurate as to the time. I speak to my recollection of the fact.

Sir *R. Shaw*, bart. a member of the House; examined in his place

By Col. *Barry*.—Do you know Mr. Ward?—I am not personally acquainted with him.

Do you know his character?—Yes; I understand he is a very respectable man.

A man who bears a respectable character?—Very much so, I know a partnership he was in, as one of the partners, which is a very respectable house.

Sir *A. B. King*, bart. called in; and examined

By Sir *J. Newport*.—Had you at any time put into your possession, a panel intended for either of the juries to be returned in reference to the trial of the rioters, either the grand or the petit jury?—Never.

Do you know whether such a panel was put into the hands of Stoker your clerk?—I know nothing of the kind, nor do I believe it.

It is understood that you are grand master or deputy master of one of the Orange lodges?—I am a member of an Orange institution, and have been since 1797. I was deputy grand master of the Orangemen in Ireland, and I do feel proud, in this honourable House, to acknowledge that I was so, looking upon the Orangemen to be the saviours of the country.

You of course are well acquainted with all the rules of the institution?—I believe pretty generally so.

Are there any portions of scripture read to the Orangemen on their admission?—There are; and in order to put the House and this committee into possession more particularly of the rules and orders of the sociey, I have brought with me one of the printed books, which I beg to hand in to the committee, for their further information; printed by myself. [The witness delivered in the book.]

Are there no portions of scripture read to the Orangemen upon their admission?—Nothing more than the handing them the book for their instruction, to know whether they subscribe to that, or wish to become a member.

Will you take upon yourself to say, that there are no portions of scripture read at the time of their admission?—Not further than I have stated before.

Are there any portions of scripture inserted in that book?—There are.

Do you recollect whether any portion of the book of Joshua is read to the Orangemen at the time of their admission?—That is part of the secrets of the Orange institution, which I cannot answer to; but I will say this, that there is nothing whatsoever in what the hon. member alludes to, in my opinion, that at all interferes with what is right. I mean to say, there is nothing that I know of. I really feel myself so puzzled, with respect to my feeling, as to developing and declaring anything that I am bound by an obligation to withhold, and a feeling of respect for this honourable committee, that I do trust I shall not be pressed to say that which might hereafter be considered as an evasion of my answer. I wish to give the fullest and fairest answer to any question that can be given to every inquiry; I have come here for the sole object of declaring every thing I know upon the subject; I wish to withhold nothing on earth.

Is the committee to understand, that you are under an obligation on oath, not to divulge what passes in those meetings?—To a certain extent, I am under an obligation to hold secret the signs and words of the institution of the society. As I said before, there is every thing contained in this book, but the words and the signs that I am sworn to keep secret.

Is there not read to Orangemen, at the time of their admission, a verse of Joshua exhorting the Israelites to root out the Amalekites from the land, and exterminate them utterly?—No such thing that I recollect.

Is there anything read to the Orangemen respecting the Amalekites?—As I said before, that certainly goes to a part of my obligation.

Is there, or is there not, anything stated from the scripture to the Orangemen respecting the Amalekites?—Prior to their being sworn, certainly not.

At any time, either at their admission or afterwards?—As to what passes after they are sworn, I do conceive that I am not at liberty to divulge that. [The witness was directed to withdraw.]

Colonel *Barry* put it to the committee, whether if a Freemason were at the bar he ought to be compelled to declare the secrets of his society.

Sir *J. Newport* would not press the question, if it were not material to show that portions of scripture were read, inculcating upon one set of men the fitness of rooting out another. [The witness was again called in.]

Is there, or is there not, anything stated from the scriptures to the Orangemen respecting the Amalekites?—My answer to that question is, that I conceive, being sworn to secresy, I cannot say anything further upon that subject. [The witness was directed to withdraw.]

Sir *John Newport* then read an opinion of the lord-chief-justice of Ireland, that if the oath of secrecy formed part of the obligation of an Orangeman, his duty would be not to keep but to break it, as, under it, the ends of justice might be frustrated.

Sir *G. Hill* objected to the inference which the right hon. baronet wished to draw from the opinion of the chief-justice.

Sir *J. Newport* contended that the oath ought not to stand in the way of a judicial inquiry. The House had greater powers than a court of justice; and if the oath could not there be set up as an excuse for silence, it could not be so used here.

Sir *G. Hill* said, that nothing had yet been stated by the witness to warrant the conclusion that the text referred to was part of the ceremony of making an Orangeman.

Mr. *D. Browne* thought the disclosure might be very dangerous to Ireland. He really thought the committee had no power to demand such a disclosure. For himself, he belonged to a society, that of the Freemasons, which would no doubt be considered as a foolish society, but still no power in the country should make him divulge its secrets.

Sir *J. Newport* said, he would not pry into the secrets of that foolish society, of which the hon. gentleman had avowed himself a member, but he would persevere in the question he had put. If such oaths were to stand in the way of inquiry, there might thus be an end put to the due administration of justice.

Mr. *K. Douglas* objected to the question being put, and considered the oath of the Orangemen, as analogous to that of a grand jury, and of the Freemasons, neither of which were asked to be divulged.

Mr. *R. Martin* was clearly of opinion that the question ought to be persevered in, and that the witness ought to be required to answer it. The reason for refusing the reply was obviously because the witness could not deny the fact. If sir A. B. King did not answer, he must abide the consequences of his refusal.

Mr. *Calcraft* thought this a very favourable opportunity for undeceiving the witness, and others similarly situated. The chairman ought to inform sir A. B. King, that the oath he had taken was no bar to a reply to the question.

Mr. *Wynn* said, that the question was one of great difficulty, as the House had only the choice of inconveniences. He had already stated his decided opinion, that no man could be allowed to plead a voluntary oath as an excuse against answering the questions of any court of justice, much less of the House of Commons. If this were permitted, all inquisitorial power was at an end, since he who wished to resist it need only previously take an oath of secresy as to the transactions respecting which he was to be examined. On the other hand, it was equally clear that the House was at liberty to exercise the fullest discretion, upon every question which it was proposed to ask of any witness at their bar. In a court of justice the parties had the right to put any question they chose. The judge had only to determine whether it was a legal one, and if it was he could not refuse to admit it. In that House the case was widely different. There the questions were those of the whole body, though proposed by an individual member: there could be no obligation upon any one to consent to a question being put which he conceived to be irrelevant, immaterial, or in any way inexpedient for the public interest. The real point in discussion therefore was, whether the question was or was not relevant and material to the inquiry; and nothing that had passed had convinced him it was not. The inquiry related to the conduct of the sheriff, in returning what he is alleged himself to have designated an Orange jury for a political trial; and it could not therefore be denied that it was essential to ascertain what the obligations and principles of the Orange societies were. It made no difference, in his opinion, whether those principles were announced by an oath, or by a watch-word or symbol. Suppose a society formed with an oath the most innocent, expressive only of general philanthropy, but that the watch-word communicated to the initiated were, "Ye shall bind your king in chains of iron"—would not its seditious object be equally apparent? In the same manner, if the watch-word of the Orange society were, the verse which, on a preceding evening, had been read to them, it would be manifest that, whatever their professions might be, their object was persecution. He rather wished the question to be closer directed to this particular point, instead of being a general inquiry into their signs and words. There would be no sufficient reason for the House to exert its power to compel an answer to an inquiry into the signs and symbols if, as in some other societies, they were mere unintelligible gibberish and manual gestures. It had been publicly surmised and suggested that this watchword implied persecution, and he held it most essential, not only for the inquiry, but to the general interest of the country, that this should be ascertained. After what had passed it would be universally believed, unless it could be directly contradicted. He was himself persuaded, when he considered the names of the persons who were generally mentioned as belonging to the Orange society, that it would turn out, that this charge against them was unfounded, and upon this account he was the more anxious the question should be answered. It was with great pain that he stated his difference of opinion with his right hon. friends who sat near him, but he considered the interests of public justice, and the dignity of the House of Commons to be materially implicated in the decision of this question, and had no option but to pursue the strict line of his duty.

Sir *J. Newport* wished the question to be put, because it had been said, that the lord-mayor elect of Dublin was an Orangeman, and it was most material to learn whether he had or had not been present at the reading of a passage, which recommended the rooting out of the Amalekites.

Colonel *Barry* denied that it was distinctly in evidence that the sheriff elect was an Orangeman. Unquestionably, voluntary oaths not to disclose the truth ought to be laughed at; but the oaths of Freemasons and Orangemen he was inclined to think ought to be respected. The latter were a body recognized in the London Gazette as having presented a loyal address to the king, which was most graciously received. The pursuit of this mode of inquiry would place conciliation in Ireland at a distance immeasurable. He did not defend the societies; but, upon the whole view of the subject, he submitted that it was impolitic to persevere in the question. He did not doubt, however, that the committee had a right to put it, and to obtain an answer.

Mr. *Brougham* distinguished this oath from that of a grand juror sanctioned by ancient law. It was most absurd to set up this private obligation as an obstacle to inquiry. He did not say that the oath was illegal: it was not necessary for him to go to that extent: it was sufficient that it was an oath unknown to and unauthorized by law. The committee would disgrace itself for ever if it did not insist upon an answer. If it neglected to do so, all that a man would have to do in future to defeat the purposes of justice would be to take an oath to some other individual to conceal the whole truth. The next step would be for a material witness merely to make a covenant with himself for the same purpose.

Mr. *Wetherell* felt that it would be beneath the dignity of the House to expostulate with a witness; but perhaps it might be possible for the chairman to intimate to sir A. King the reasons upon which the committee held him bound to answer the question put to him.

The question for compelling an answer from the witness was then put, and carried.

[The witness was again called in.]

Chairman. — Sir Abraham Bradley King: You have objected to answer a question which was asked you on the ground, that as a member of a certain society, you have taken an oath, which, in your opinion, made it improper that you should give that answer: the committee have taken the question into consideration, and are of opinion that no oath taken in any private society can be offered as a plea, in bar of any answer required by a judicial inquiry, and still less any inquiry before this House; they have therefore ordered me to direct you to answer the question.

By Sir *J. Newport.*—Is there, or is there not, anything stated from the scriptures, to the Orangemen, respecting the Amalekites?—I have turned in my thoughts, as much as I possibly could, the nature of the question; and I cannot take upon me exactly to state the words; but this much I will say, that there is nothing whatsoever, in any words, or any part of the obligation, or any statement before or after, that goes to exterminate (if I may so call it, from the manner in which the question was put to me) any portion of his majesty's subjects whatsoever.

Is there, or is there not, anything stated, from the scriptures, to the Orangemen, respecting the Amalekites?—I have no particular recollection of the words; but I must again say, with great respect, that there are words connected with the obligation I have taken, that I cannot, nor the universe could not, make me disclose.

By Mr. *R. Smith.*—Do you conceive that that obligation extends to prevent you from saying, yes or no, to the question that was asked you last?—I stated before, that I have no recollection of the precise words; that there are words that certainly do not bear at all the meaning of the hon. member, who put the question: I say, there is nothing whatsoever in the obligation, before we take or after we take it, or in the whole institution of the Orangemen, that goes to exterminate, or to justify the idea of the extermination, of any class whatever of his majesty's subjects.

Do you conceive the obligation you have mentioned prevents your answering, yes or no, to the question which was put to you?—I have stated already, that I do not recollect the precise words.

Is there anything respecting the Amalekites, stated to an Orangeman?—If the words, that I have sworn to keep secret, at all refer to that, I cannot answer the question.

You are asked, whether you conceive that the oath you have taken prevents your answering, yes or no, to that question; does it, in your conception?—Decidedly it does, if those make part of what I am sworn to conceal.

Do those words make part of what you are sworn to conceal?—I have stated before that I do not recollect.

Then will you answer, or no, to the question which has been put to you?—I do not recollect.

Do you mean to state to the committee, that you do not recollect whether the word Amalekites, is stated to an Orangeman, in the way which the question implies?—I rather think not.

Will you take upon yourself positively to say, that it is not so?—I cannot recollect; but if I am compelled to give an answer upon my belief, I rather think not.

Will you take upon yourself positively to say that they are not?—Certainly I will not.

How long were you deputy grand master of the Orangemen of Ireland?—Some years.

Was it a part of your duty, as deputy grand master, to be present at the ceremonies which passed on the admission of Orangemen, or after their admission?—Sometimes it was; sometimes I might be present, at other times I might not.

In point of fact, have you been frequently present?—I have frequently seen Orangemen made.

Have you been frequently present at ceremonies which have passed after the admission of Orangemen?—Frequently before and after.

Are there certain stated and fixed ceremonies, which do pass before and after?—Certainly.

Do you mean to say, that you have not a distant recollection of what those ceremonies are?—I do.

How long is it that you have ceased to be deputy grand master?—I think it is nearly three years; better than two.

You again say, that you cannot take upon yourself to recollect, whether anything is communicated to Orangemen, either before their admission or after, about the Amalekites?—I cannot take upon me to say that there is.

How long is it since you were present at the administration of any of those ceremonies to Orangemen?—Certainly not for the last three years, I think.

By Sir *G. Hill*.—Is there anything in the obligation of an Orangeman's oath, that under any circumstances whatsoever, would call upon him, or oblige him, or authorise him, to withhold testimony from any court of justice, of any transaction that took place in life, that he was called upon as a witness to give his evidence to, in that court of justice?—Certainly not, with respect to the ordinary occurrences of life.

Does the obligation of an Orangeman authorise him to withhold evidence, as to any crime inquired into by a court of justice, or with respect to property, the subject matter of discussion in a court of justice, before a judge and a jury?—Certainly not.

Is it more the obligation of an Orangeman to maintain and support the law, and give effect to justice, than to withhold evidence, where it may be necessary to the elucidation of justice and truth?—We give the fullest and fairest testimony that is possible; every Orangeman is bound to do so; with the exception, as I said before, of divulging the words and signs that he is sworn to keep secret; and nothing else; and that is only that we shall be known to each other; and has no reference whatever, to anything whatsoever, more than that we shall make ourselves known in time of need and necessity.

Is it any part of the obligation of an Orangeman, not to assist all classes of his majesty's subjects, as well those that are not Orangemen as those that are, in preserving them in the full possession of their rights, and doing them justice in any court where they may be called as witnesses?—There is nothing in the obligation to that effect; but there is in the declaration; and for that purpose I brought the book here, and tendered it to the committee for their further information.

Does the declaration contain all the rules and regulations of Orangemen?—It does. The oath is there also.

By Mr. *Brougham*.—You do not understand the oath to be a secret?—Certainly not; it is in that book I have given in.

How long has that oath been used in Orange societies?—I think I took it in 1797.

Has it never been altered since 1797?—Yes; there was a slight alteration in the oath in 1820. It was to make it more to correspond with the society in England.

Do you mean to say, there never was at any time, an oath, binding the members of an Orange club, not to give evidence against a brother?—Never, that I know of.

Not to give evidence, with the exception of treason and murder, and those left to their discretion?—Never, that I recollect.

You say, you are not bound to conceal anything, except the signs and the words?—Exactly so.

Do you include in the words, certain things that may be communicated to you upon your admission?—Certainly.

The oath binds you to conceal that which is communicated to you upon your admission?—Certainly; like the Friendly Brothers, and the Freemasons, and any other society.

Suppose a question should arise, in a court of justice, which should lead to this interrogatory being put, "What were the words communicated to you upon your admission into such a lodge," before a judge and a jury?—I should not answer that.

You, before that question had been put to you having taken an oath in the court, formally administered to you, swearing before Almighty God, and upon the gospels, to tell the truth, and the whole truth, how should you, after taking that oath, without any qualification or reservation, conceal any answer to the question put?—I do not think that that oath absolves me of the former one.

Mr. *Brougham*.—I would advise you as a friend, not to act upon that persuasion in a court of justice.

By Mr. *J. Williams*.—You have been present at the administration of the oath, upon the occasions of which you are speaking, when you say you have been present at the admission?—I have, and administered the oath myself.

And that in many instances?—Several.

As many as twenty?—Oh, I dare say I might say more, considerably more.

Forty or fifty?—I cannot exactly say the number, but to a great many.

Is the committee to understand you to say, that you have no recollection, having been present that number of times, as to whether there is the phrase of Amalekites in the oath?—Certainly not.

In what is communicated after the oath?—I have no recollection that there is any such phrase.

Do you mean to be doubtful whether there is such a one, or not?—I will not take upon myself to say positively; but if I am to give my belief, I am rather inclined to believe there is not.

Do you recollect from what parts of Scripture those passages are taken?—I must again decline to answer that question; that is part of the question that, with great respect, I must decline answering; and I do trust the committee will recollect, that I am under the solemn obligation of an oath; the words and the signs are the only things that I am prevented from giving testimony of; and I throw myself upon the committee, I trust they will not press me upon a question of that kind.

Have you any doubt but that, amongst those words, there are quotations from Scripture?—Certainly there are.

Do you object to state, if you remember them, from what part of Scripture those quotations are?—That, I conceive, comes to the point that I before stated that I feel I cannot answer.

The committee is to understand, that you object to stating from what part of Scripture the quotations are?—The reason I feel myself obliged to object to answering that question is, that it might lead, if I told the part of Scripture, to a knowledge of what those words were, which I am bound to keep secret.

Chairman.—Sir Abraham King: I have already informed you, that the committee has already decided, that the questions asked in the House must be answered; and that the objection you have made to answering them is not valid; you will consider well, before you refuse to answer the questions which this House has unanimously resolved ought to be answered.—It is my most anxious wish to give the fullest and the fairest answer to every question that can be put to me; but where I am asked to declare that that I have sworn not to declare, I may hope and trust the committee will not press it upon me; it is placing me in that situation that, let the consequences be what they may, they must fall upon my head, and I must be the sacrifice.

Chairman.—The oath you have taken is a voluntary oath; it is not an oath acknowledged, or which can be acknowledged, as valid in any court of justice; if you were at this moment questioned in a court of justice, as a witness, you would then be put upon oath to answer the questions which were asked you; and you cannot possibly hesitate to be convinced, that a private oath you have voluntarily taken, could not possibly interfere with the oath you will solemnly take in a court of justice: now the authority of this House, though you are not on oath, is considered as of greater authority, and of higher importance, than that of a court of justice; and, under these circumstances, if you will consider for a moment, you must have sufficient understanding and reflection to see, that the questions put must be answered.—I am quite aware of the responsible situation in which I am placed; I feel every respect, and I know the situation in which I am at this moment placed, standing in the first assembly in the world: I do feel, and I do acknowledge, every power that this House possesses, but that of stepping between me and God and my conscience: I cannot help the consequences falling upon my head; severe as they may be I cannot give up my conscience.

By Mr. *Brougham.*—Do you refuse to answer the question, aye or no, sir Abraham? The committee has no respect for your private and out-of-doors oaths. Such oaths it is ridiculous to talk about. So far from regarding them as solemnities, the committee considers such oaths as absurdities. Do you refuse to answer the question, aye or no?—Distinctly so.

Mr. *Butterworth* rose to submit, that the learned gentleman was out of order. He was stating the opinion of the committee, which had not been declared. It had not yet been decided in what way the scruples of the witness were to be treated [The witness was directed to withdraw].

Mr. *Brougham* expressed his regret that the question had been asked which brought the committee to this issue, before other questions had been put on subjects essential to the inquiry. But now they were on the issue, there was but one way out of it, and that was through it. He had never in his life heard anything with more surprise and indignation than that which had fallen from the hon. member for Dover, whose conscientious regard for the obligation of an oath—[loud cries of "order," which drowned Mr. Brougham's voice].

Mr. *Butterworth* said, he had interfered because he thought the learned member was not authorised in stating that his question spoke the opinion of all present. He would not pretend to say whether his mind was as enlightened as that of the learned member, but he would say that he had as good a conscience.

Mr. *Brougham* contended, that he had a right to attribute to the question the authority of the committee as it had even been carried by vote, that notwithstanding the voluntary oath, an answer should be given. He went on to say that he knew of none but legal oaths, and animadverted upon the consequences of allowing the gross, fatal, and most perilous mistake to go abroad, that any other oaths could be protected by the House, and that a regard for the scruples of a tender conscience should be pleaded in support of a mere fanciful pretence to evade testimony, and to give to the mere farce and mockery of improper obligations all the sanction of solemn and legal oaths. He attributed to the hon. member no blame but that of misjudgment.

Mr. *Butterworth* said, he had no intention to support any system of secret oaths; on the contrary, he thought they ought not to be permitted. He had only corrected the learned member because he spoke in the plural number, when, in fact, the sense of the committee had not been declared. As a matter of policy, however, he thought it would be attended with fatal consequences, if the question were pressed upon the witness.

Sir *J. Newport* insisted, that the sense of the committee had been taken upon the point.

Mr. *Canning* said, that the learned member was justified in one sense in what he had stated. The opinion of the committee had been taken that the question must be answered; but not upon the identical question to which the learned member had applied himself. The question as to which the committee had decided was substantially the same with that pressed by the learned member; but as it was not identically the same, the hon. member for Dover was entitled to speak to order. As to the merits of the point in discussion, he thought that the committee had a right to demand an answer to its question. In saying this, he took a distinction between the private oath now to be overcome and the legal oath of a grand juror, as to which a question had been raised upon a former evening. His opinion upon the legal oath decidedly was, that even if the House could, it ought not to overrule it; but with respect to the present oath, which was illegal, no doubt, he thought, could be entertained. At the same time, he was bound to suggest to the committee, that although there could be no question of right in the case, yet there might be a question of discretion. He had voted originally against the going into the committee, because he had foreseen considerable difficulty attaching to the inquiry, not the smallest point by any means of that difficulty being the probability of giving a triumph in the end to one of two conflicting parties: but now there arose a difficulty which he really had not foreseen, for the House was in danger, not of merely giving a triumph, but of making a martyr. A certain quantity of false reputation was sure to attach to every man who suffered what might be called a severe calamity; and the witness at the bar was certainly not of that party to which he should be disposed to afford countenance. Under all the circumstances, he doubted whether it might not be advisable to allow sir A. King to escape out of the difficulty into which he had brought himself. The difficulty, as regarded the principle at stake, would easily be got rid of, because a bill was about to be brought in which would do away with the inconvenience of private oaths altogether.

Colonel *Barry* observed, that the witness had already answered the question, by saying that he did not recollect.

Mr. *Plunkett* said, that the difficulty in which the witness was placed arose from his thinking it necessary to answer "Yes," or "No." Now, if the question were so shaped as to put it to the witness whether he recollected from what part of Scripture the words alluded to were taken, he would predict that he would answer, he did not recollect.

Sir *J. Newport* observed, that the simple question for the committee to decide was, whether the House were prepared to abandon their inquisitorial functions, and to proclaim impunity to all those who having taken illegal oaths of secrecy, refused to answer questions put to them at the bar of the House? Let the committee recollect how persons of less rank than the individual who had been under examination would be treated in a court of justice if they so conducted themselves. And, was it right that any man should dare to withstand the superior authority of Parliament?

Mr. Secretary *Peel* had no doubt of the right of the House to enforce an answer to the question, but it was a matter of discretion; and he entreated the House to consider that there was on the table a bill to put an end to secret societies altogether. If the witness believed that the question related to the signs and symbols by which the members of the Orange societies were known to one another, it seemed unnecessary to press him to answer.

Mr. *Butterworth* thought it advisable not to press the matter.

Mr. *Grattan* said, the witness had distinctly refused to answer, and the committee, it seemed, were now to debate whether he should or should not have an opportunity afforded him of escaping from any of the consequences of his refusal. It would be of infinite mischief, if the deputy grand master of the Orange lodges were allowed to go back to Ireland and say that the House had compromised with him.

Mr. *Scarlett* thought it was clearly unnecessary to go into the question of the secret signs and symbols of the society; but there were other things of which it was necessary to be informed. If it was to be a question, whether the witness should be considered a martyr, or that he should triumph over the committee—if one or the other must take place—he (Mr. S.) would prefer to give him the benefit of the martyrdom, rather than the triumph, which he thought would be one of the greatest mischiefs to the country to which he was about to return. As to the bill of which the right hon. gentleman spoke, it was not absolutely certain that it would pass; but if it did, and the witness should escape with impunity, what effect could be expected from the operation of the law? That these oaths were illegal he was clearly of opinion, and that no act of parliament was necessary to make them so, though an act might be requisite to inflict penalties. He was sure that no judge in England, who had heard the witness's refusal, would have hesitated a moment in committing him. If he had, he would deserve to be impeached. Was the House, then, to forego its own rights, and allow the witness to trample on them with impunity? Rather than consent to compromise their privileges, he would give the witness the merit of martyrdom.

Mr. Secretary *Canning* allowed that the House had a perfect right to enforce the answers of witnesses at their bar. He allowed also, that in a court of justice the judge was bound to commit a witness who refused to answer. He by no means wished to estimate the authority of the House at a lower rate than that of a court of justice; but it ought to be recollected, that while they exercised the same authority, they possessed a discretion which a court of justice was not warranted in acting upon. If, however, any member persisted in committing the witness, he would not negative such a vote.

Mr. *Plunkett* admitted that such oaths were already illegal, and that the witness was not justified in refusing to answer the question which had been put to him. But they must all desire if possible not to push the matter to an extremity. All that he wished was, to give the witness the opportunity of making a satisfactory answer. Let him be brought back to the bar, and asked if he recollected from what part of Scripture the texts were taken to which he had alluded.

Mr. *J. Smith* asked, if the House did not insist upon an answer on the present occasion, what would become of their authority on any future occasion, when a witness before them might refuse to answer a question, by saying that he had taken an oath which precluded him from doing so? They could not in justice visit the delinquent in such a case with punishment, if they allowed the present witness to escape with impunity. He should be very sorry to create any disturbance in Ireland, but he would rather do that than abandon the ancient, acknowledged, and useful privileges of that House.

Mr. *Brougham* thought it better to ask the witness again. As the case stood at present, it would go forth to the world, that being asked "whether he refused to answer yes or no," his reply was "distinctly so." He feared that the observation of the right hon. gentleman was very right, as to the injurious effect of giving the witness the merit of martyrdom. What he wished was to give the witness an opportunity of showing his repentance. If, however, the committee were driven to a decisive measure, he should not apprehend so much evil from allowing the witness a crown of martyrdom, as he should from conferring on him the laurel of victory.

Mr. *K. Douglas* thought the difficulty might be removed by asking the witness, whether his hesitation arose from his wish not to disclose the signs and symbols of the Orange societies.

Sir *J. Newport* begged to say, before the witness was again called in, that he decidedly objected to any other question than this:—Whether, on consideration, he adhered to the answer which he had given? To ask him any other question would be to put an end to the authority and dignity of the House. He believed those hon. gentlemen who thought the peace of Ireland would be best consulted by not pressing this matter were much mistaken.

Mr. Secretary *Canning* said, it ought not to be forgotten, that their proceedings on this question would go forth to the world and be criticised. What if it should turn out, that in the whole book of Joshua the Amalekites were not mentioned?

Mr. *Butterworth* said, he had been above stairs to refer, and he had been unable to find the Amalekites mentioned in the book of Joshua [a laugh].

Sir *J. Newport* referred the hon. gentleman to the 10th chapter of Joshua, the 19th verse, in which the Israelites were exhorted to root out the Amalekites.

Mr. *Butterworth* replied, that he would go up stairs again, and examine the passage pointed out to him by the right hon. baronet.

Sir *J. Newport* repeated, that the only matter for the committee to decide upon was, whether they would allow a witness to refuse to answer a question, on the ground that, by the obligation of an oath, he was precluded from doing so?

Mr. *Butterworth* returned, and said that he had examined the 10th of Joshua, the 19th verse, and found no such passage as that quoted by the hon. baronet [Read, read!]. The verse was as follows:—"And stay ye not, but pursue after your enemies, and smite the hindmost of them; suffer them not to enter into their cities; for the Lord your God hath delivered them into your hand."

[The witness was again called in.]

Chairman.—Sir Abraham Bradley King: I am now to ask you, whether, after the time you have had for reflecting upon the question which was asked you, you are now willing to answer the question; do you object to state, if you remember them, from what part of Scripture those quotations are?—I do; but I do think it would not be dealing with that candour which I think every person placed at this bar is bound to pay to this House, to tell every thing he knows according to the questions asked, if I did not say, that I might generally refer you to the part of Scripture, but in doing that, I know that it would subject me to be followed up by other questions, which would come in the end perhaps to the same thing.

Chairman.—It will be quite time enough to object to any question which is objectionable, when that question is asked?—I will only say, that in the part of Scripture alluded to, there is nothing whatsoever contained, more than the signs and words by which Orangemen know each other, and that is to be found in the Old Testament.

By Mr. *Peel.*—Do you mean that the verse, or verses of Scripture, which are referred to, are merely used as a symbol or token by which one member of the association can recognize another?—Precisely so.

Exclusively for that purpose?—Exclusively for that purpose, and for no other.

Is there expressly, or by implication, an obligation on any members of the association, who make a reference to the Scripture in that way, to observe any maxim contained in that text of Scripture?—Not at all, there is nothing that I can recollect at this moment.

In the book you have delivered in, it appears that what is called the obligation of the Purplemen, is in these terms "I do solemnly and voluntarily swear, that I will keep the signs, words, and tokens of a Purpleman, from an Orangeman, as well as from the ignorant; unless authorized to communicate them by the proper authorities of the Orange Institution" have the words, which are referred to, any other force than the signs or tokens?—None.

Mr. *Peel* said, it now appeared, that the words in question were used solely as signs by which Orangemen knew each other, and were not at all relevant to the inquiry before them. He wished that the witness's answers might be clearly understood; because, although he would be most strenuous in supporting the right of the House to commit, yet it was a discretionary right. He would never vote that a witness should be committed for not answering a question not necessary for the purpose of the inquiry; and as this related only to signs and tokens, it could not be necessary.

Mr. *Wetherell* was of the same opinion. He could not consent to send a man to Newgate for not answering irrelevant questions; questions, which the very order of reference to the committee excluded.

Sir *J. Newport* said, that the objections to the relevancy of the question, to whatever right they might be entitled in any other respect, could not be applied now. They had not been discovered until the witness had refused to answer. So convinced was he of the importance of compelling the witness to answer, that he would take the sense of the committee, although he should stand alone in doing so.

Mr. *J. Smith* observed, that the question had not been answered.

Mr. *Peel* observed, that it was too late to proceed further in the inquiry that night. They had before confined themselves to twelve o'clock, and it was now near two.

Mr. *Calcraft* thought that the last answer of the witness was satisfactory, and had relieved the committee from the embarrassment which his refusal had placed them in. He therefore moved, that the chairman should report progress.

Mr. *Brougham* seconded the motion, but with very different feelings. He trusted the committee would never again be placed in such a situation as that from which his hon. friend's motion was to extricate them. He could not, however, look upon that as any thing but a subterfuge. The committee had met with nothing but discomfiture in their progress hitherto; but his hon. friend, in his courtesy, discovered that the witness's last answer relieved them. In that they had been referred to the Old Testament. "Oh, then," said his hon. friend, "as that is a book we have at our fingers' ends, this is sufficient; let us toss up our caps, because the committee has got out of the scrape, and report to the House the glorious progress we have made." He only hoped that the public, when a report of these proceedings should go forth to-morrow morning, would see the matter with the same good-natured eyes as those of his hon. friend.

Mr. *Canning* concurred with Mr. Calcraft. He could not but think that a reference to the Old Testament was a very fit way of terminating an evening, in which much difficulty had arisen from misunderstanding a passage therein.

Mr. *J. Smith*, looking upon the adjournment only as a means of screening the witness from the consequence of his refusal to answer the questions put to him, would take the sense of the committee upon it.

The committee then divided, on the motion for reporting progress: Ayes, 72; Noes, 19.

HOUSE OF COMMONS.

Monday, May 26.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a Committee to inquire into the Conduct of the Sheriff of Dublin, sir Robert Heron in the Chair,

Sir *Abraham Bradley King*, bart. was called in; and further examined

By Sir *J. Newport*.—On a former night you stated, that you were an Orangeman prior to the adoption of the new system of 1820?—I did.

Did you take the oath under the old system?—I did.

Will you state whether the oath under the old system was not in these words, "I do solemnly and sincerely swear, of my own free will and accord, that I will, to the utmost of my power, support and defend the present king George the third, his heirs and successors, so long as he or they support the Protestant ascendancy, the constitutions and laws of these kingdoms; and that I will ever hold sacred the name of our glorious deliverer William the third, prince of Orange, and I do further swear, that I am not, nor ever was a Roman Catholic or Papist; that I was not, am not, nor ever will be a United Irishman; and that I never took the oath of secrecy, to that or any other treasonable society; and I do further swear, in the presence of Almighty God, that I will always conceal and never reveal either part or parts of what is now to be privately communicated to me, until I shall be authorized so to do by the proper authorities of the Orange Institution; that I will neither write it, nor indict it, stamp, stain or engrave it, nor cause it so to be done on paper, parchment, lead, brick, stick, stone, or anything, so that it may be known; and I do further swear, that I have not to my knowledge or belief, been proposed and rejected in or expelled from any other Orange lodge, and that I now become an Orangeman without fear, bribery or corruption: So help me God?"—I cannot take upon me to say, that all the words that the right hon. member has read from that paper, was in the oath I took, but I think substantially they are the same.

In that oath it is stated that you would always conceal and never would reveal any part or parts of what was then to be privately communicated; were these the secret articles so communicated, "that we will bear true allegiance to his majesty king George the third, his heirs and successors, so long as he or they support the Protestant ascendancy, and that we will faithfully support and maintain the laws and constitution of these kingdoms;" was that one of the articles?—No, not one of the secret articles; that was public.

Was that one of the articles that was communicated to you?—That is our public oath, inserted in our oath; it was part of the oath.

"That we will be true to all Orangemen in all just actions, neither wronging one nor seeing him wronged, to our knowledge, without acquainting him thereof;" was that any part of the engagement?—That was no part of the secret obligation.

Was it part of your obligation?—It is in the printed declaration I handed in to the committee, on my first examination.

Is it part of the articles, or part of the engagement you entered into?—It is part of the declaration of the Orange society, it is no part of the secret article that the hon. baronet asked me upon.

Was that part of your engagement as an Orangeman?—Unquestionably, the whole declaration is part of the engagement, it forms the engagement.

"We will be true to all Orangemen in all just actions, neither wronging one nor seeing him wronged, to our knowledge, without acquainting him thereof;" did you enter into any such engagement?—I have stated that it is part of the declaration of the Orange Institution, and of course it became part, no doubt; but it is no part of the secret articles; I wish to give the fullest and the fairest answer that I can, but I understood the right hon. baronet to ask me whether those were the secret articles.

Have you entered into that engagement, aye or no?—Unquestionably.

"That we are not to see a brother offended for a sixpence or a shilling, or more if convenient, which must be returned the next meeting if possible?"—I have no recollection of anything of the kind.

"We must not give the first assault to any person whatever, that may bring a brother into trouble?"—I have no recollection of that being part.

Can you say that it was not part?—I will not take upon me to swear, for I consider myself here now delivering testimony as on oath, and I will not take upon myself to say that it was not.

"We are not to carry away money, goods or anything from any person whatever, except arms and ammunition, and those only from an enemy;" did you enter into any such engagement?—Never, nor heard of it before.

Is that any part of what you handed in before?—Not at all.

"We are to appear in ten hours warning, or whatever time is required, if possible (provided it is not hurtful to ourselves or families, and that we are served with a lawful summons from the Master), otherwise we are fined as the company think proper?"—No such think that I ever heard of.

"No man can be made an Orangeman without the unanimous approbation of the body?"—There is no such rule that I know of; an Orangeman cannot be made without being proposed into a lodge; or admitted into a lodge; he must be unanimously admitted.

"An Orangeman is to keep a brother's secret and his own, unless in case of murder, treason and perjury, and that of his own free will?"—I know of no such regulation.

Can you take upon yourself to say, there is no obligation of that kind entered into?—None that I know of.

No Roman Catholic can be admitted on any account?—Certainly not.

Do you recollect having printed gratuitously for distribution, any paper in the year 1820?—I do.

With the title of "Extracts from the Rules and Regulations for the use of Orange societies, revised, corrected and adopted by the grand Orange lodge of Ireland, assembled at Dublin, in January 1820?"—The word "extract" I believe is not mentioned in it; it is exactly what I delivered in at the bar of this House.

Do you recollect whether in the paper you have delivered in, there is a separate obligation stated for persons who are called Purplemen?—There is.

In the obligation of a Purpleman, it is stated that he does solemnly and voluntarily swear, that he will keep the words, signs, and tokens of a Purpleman from an Orangeman, as well as from the ignorant, unless authorized to communicate them by the proper authorities of the Orange Institution; is it not meant by that, that there are separate characteristics by which a Purpleman is distinguished from an Orangeman?—It is.

In what book, chapter, and verses of the Old Testament, are the passages to be found, which are read to an Orangeman?—

[The Witness was directed to withdraw.]

Mr. Secretary *Peel* said, he wished to call the attention of the House to this question. The committee had decided, by a majority of 72 to 19, that it was not desirable to press a question which the witness would refuse to answer, as being under the obligation of an oath not to disclose. The question now put was just leading to a similar discussion to that of Friday, and taking the House over the same ground. His opinion was, that the question ought not to be put; because he did not think it at all pertinent to the inquiry before the committee. Undoubtedly, if the question was shown to be necessary, it was one which the House had a right to put, and to enforce an answer; or to take those steps which were usual on such occasions; but, if the committee should be of opinion that the question was not necessary, it ought not to allow it to be put, and the less so, as it must lead to a result than which nothing could be less calculated to tranquillize Ireland. Nothing, in his opinion, could tend less to tranquillize that country than the sending the witness at the bar to Newgate. The right hon. baronet wished to know what were the secret signs and symbols of distinction between one particular denomination of Orangemen and another. But the right hon. baronet had not shown how the answer to that question, if it were answered, could bear upon the inquiry. If it was put for the purpose of tending to suppress such societies, it was unnecessary; because there was a bill then in progress through the House by which all societies, having secret signs and symbols, and secret meetings, were to be declared illegal. It could not be necessary for showing what was the conduct of the grand jury or the sheriff, because there were other means by which the right hon. baronet could come at information on those points, which were really the only points to which the committee ought to direct its attention. It was for these reasons that he was anxious the House should decide now, that the question was one which ought not to be put.

Sir *J. Newport* thought it was of the

utmost importance to the inquiry before the House, that they should be informed of the rules and regulations of the Orangemen; for the sheriff was charged with having empanelled a jury of Orangemen, and it was necessary, in order to come at a proper decision on that subject, to know what Orangemen were, and whether, from the nature of their regulations, they were fit persons to decide in a case between Orangemen as such, and the head of the government in Ireland. It was necessary to know the signs and symbols of Orangemen, in order to come at the real case before them. Suppose that one of their symbols was, "We will exterminate the Roman Catholics," would it not be necessary for the House to know it, in forming their opinion whether the sheriff was guilty of partiality in selecting such men for a jury, having to decide in a case to which he had just alluded? It was, then, for the House, under those circumstances, to decide whether they would allow a witness to refuse to communicate those symbols which he knew, on the ground that he was bound to secrecy by a previous obligation. He denied the conclusion drawn by the right hon. gentleman, that the impression of the House was against putting the question. The decision of the House on Friday, as he took it, was not upon the relevancy or irrelevancy of the question put to the witness, but on the propriety of not going further with the examination at that hour. But, even if the House had decided then, still he conceived the question might be again opened. The House and the witness had had considerable time for reflection, and might now re-consider their former opinions. He could not conceive anything more derogatory from the character of the House, as a court of inquiry, than to suffer the witness to go from their bar without answering all questions which they might think it proper to put, and which he had the power to answer. What would be the conduct of the House if they had a United Irishman at their bar, who might refuse to disclose the symbols of his association? Would they allow him to depart, triumphing in his refusal? He would not say what they might be disposed to do now; but he remembered that in former times a different conduct was pursued towards United Irishmen. They were obliged to confess, not only before inferior courts, but before inferior officers of those courts: and that, too, by means the most cruel. The simple question now before the House was—whether a question which would give them information as to the signs and symbols of Orangemen, many of whom were selected on the grand jury, was relevant to the inquiry which they were carrying on? If they decided that such a question ought not to be pressed, then he would maintain that they were no longer a court of inquiry; for, in order to evade answering, any future witness had only to take a voluntary and illegal oath before he appeared at their bar, binding himself to secrecy on those points on which he expected to be examined, and claim to be exempted on the ground of such oath. He trusted, however, the House would not give up its right, nor forfeit its character with the country, as the highest court of inquiry. It was said, that the witness ought not to be allowed to go away a martyr. He wanted not to make a martyr of the witness; but he would rather see him so, than see him become the victor over the rules and forms of that House. The right hon. gentleman had said, that there was a bill now before the House, which would have the effect of declaring all secret associations in Ireland illegal. It was not his (sir J. N's.) fault that such a measure was not introduced long ago. But, in fact, the bill had nothing to do with the case before the House; for the question was not, what the Orangemen might be in future, but what they were at the time the grand jury was empanelled. Under those circumstances, he thought it his duty to press the question.

Mr. *Calcraft* said, he had not moved the adjournment on Friday with any view to get rid of the question put to the witness. Upon what grounds the House supported his motion he would not say, but his own was not, that any restriction should be put to questions which hon. members might deem relevant to the inquiry. As to the question now before the House, he did not see exactly how it bore upon the inquiry; but if his right hon. friend thought it important, he would not object to its being put, and he thought if put, that the House should teach the witness, that no voluntary obligations entered into beforehand could prevent their enforcing an answer.

Mr. *Goulburn* said, he did not rise to

maintain that the House ought not to enforce an answer to any question which it might think proper to put, or to contend that the witness ought to be protected from the consequence of refusing to answer, by any obligations which he might previously have entered into; but he did rise to exercise his right of giving an opinion upon the propriety of the question put. The right hon. baronet seemed to argue the case, as if the question had actually been put to the witness, and that he had refused to answer. However, the committee would recollect, that the witness had not, and could not have refused, because the question was not yet suffered to be put to him; therefore it was useless to take up the time of the committee in discussing what it ought to do, until the occasion should arrive when it might be called upon to act. In his opinion, the question was one which would not answer any end pertinent to the inquiry before them. The right hon. baronet had endeavoured to show its relevancy by saying, that many of the grand jury were Orangemen—that some of the parties accused were Orangemen—that there were secret signs and engagements between them, and therefore that the sheriff was wrong in selecting such a jury to try such a party. Now, it might be perfectly true, that some of the grand jury were Orangemen; and that some of the accused were also Orangemen: but the relevancy of the question about their secret signs and symbols would not be proved, unless the right hon. baronet showed that the sheriff was cognizant of those engagements and secret symbols, and of their operation on the two parties. But how was this fact shown by the evidence? It was distinctly stated, upon the belief of one of the witnesses, that the sheriff was not an Orangeman; that he did not know their secret symbols. But it was upon the proof that he was, and did know them, that the House would be justified in putting the question to the witness. On these grounds, he would say the question was irrelevant. He fully concurred in thinking, that making the witness the martyr which he desired to be, would tend to produce the most fatal effects in Ireland. It was asked what he would do with a United Irishman, if placed at the bar under similar circumstances? He would do the same with him as with an Orangeman. He would not allow him to be protected from answering, by any previous obligation which he might have voluntarily entered into; but he would not drive, either the one or the other, to the refusal of disclosing his secrets, when such disclosure could not be relevant to the inquiry before the House. He did not think the question put to the witness was relevant, and would therefore oppose it.

Mr. *Abercromby* thought that, whether with reference to the character and dignity of that House, or to the present state of Ireland, the question now before it was one of the most pertinent that the wit of man could devise. Here was an inquiry into the conduct of the sheriff for partiality in selecting an Orange jury. That the sheriff must have been aware what the effect of a trial by such a jury would be, was obvious; for he was proved to have said—"I have got an Orange panel in my pocket." What was an Orangeman, and what were his principles, were the most natural questions in the world to ask after this. And yet, the moment that question was asked, they were to be stopped and told that the question was not relevant! If this was not a question pertinent to the inquiry, he was at a loss to know what was. Would the House consent to allow an excuse for not answering, which would not be tolerated by any court of justice in the country? Would they, who were superior to all courts of justice, stop in their inquiry for the sake of truckling to Orangemen? Would they allow some of the heads of that party to go back in triumph to Dublin, after having set at defiance the rules and orders of that House? That this would be the case there was no doubt, if the House did not enforce its orders. And by whom would these men be met in triumph on their arrival in Dublin? By those very men, for the payment of whose large salaries the House had voted such considerable sums this session. If the House was to tolerate this, it was as well to let the Orangemen speak out. Let them say as they felt, "We will be good and loyal subjects, as long as you allow us to rule Ireland as we please." It was quite absurd to think of stopping in their inquiry, after having gone so far. It was worse than pusillanimous language to say, "We do not wish to give a triumph to any party." That House in the discharge of its important trust, ought not to consider which party might triumph, but which party was right. Would the House shut its eyes to the state of Ireland, and to the influence which Orange associations had upon its government? Would they shut out evidence as to the nature of those associations, after what had been said upon the subject by one of the highest authorities in that country? Judge Fletcher, in a charge given to a grand jury in Ireland in 1814, had pointed out the mischievous effects of Orange societies, particularly in the north, which the learned judge declared "had poisoned the very sources of justice." Would the House, after all they had seen and heard, stop short and declare, that it was not necessary to make any other inquiries into the nature of the secret engagements of Orangemen? He confessed he could conceive no greater triumph which the House could give this man, than their allowing him to go back to Dublin, and to boast, as well he might, of his victory over the House. If the House were content now to say that they would not press a question which they had already solemnly determined to be a fit one to be put to this witness, they were decidedly truckling to the very party which parliament had so repeatedly stigmatized as the cause of the late unhappy commotions in the capital of the sister kingdom. For his own part, he should say, that even were this sir Abraham Bradley King to be permitted to go back to Dublin, amidst the gratulations of all the Orange lodges, that triumph would be poor and contemptible, compared with the mischievous triumph he would carry off, were he permitted, in defiance of the commands of the House, to avail himself of the oath which he had pleaded. No triumph could be to him so great, or by others so much to be deprecated, as that he should be enabled to say, he had foiled, upon a question of this moment, the assembled Commons of England.

Mr. *Pelham* said, that after what had taken place on Friday, the House, he thought, was precluded from granting the indulgence solicited.

Mr. Secretary *Canning* wished to state, very shortly, what the grounds were upon which he meant to found the vote he should give. If he had no doubt in his own mind as to whether or no the power of the House should be exerted, if the question were repeated, to compel an answer to such question, and it were asked, whether the penalties which the House might inflict should be enforced in order to compel an answer, he should have no difficulty in saying that they ought so to compel it. Independently of the question of their power to require such an answer, he should say, that it would be time enough to consider of the mode in which the power was to be enforced, when the House should have finally determined upon exercising it. Recollecting, however, as he did, the power of the House to overrule an oath (meaning thereby an oath which, if not necessarily illegal in itself, was yet not prescribed by law)—recollecting, too, the nature of the penalty which it was most undoubtedly in the power of the House to impose; he did apprehend, that its infliction might lead to consequences the most serious, the most disastrous, and the most to be deprecated. This was a question of judgment and discretion; and one of which he would only say, that after eight and forty hours consideration, he retained the same opinion that he had arrived at on a former occasion—namely, that it would be the more discreet course for the House to pursue, to stop before the question that had been proposed was put to the witness, rather than be obliged to deal with that other question of penalty, after the first had been put. If, indeed, the consequence of not pressing the first question was to be, that the Orange association was to continue in existence in Ireland, with all the attributes which had been attributed to it, he might justly hesitate upon the point of discretion. But, considering that they had now a bill upon their table, the effect of which was substantially to put down that society, and having before them evidence enough to show what its effects were upon the peace of Ireland, he did not think it expedient to purchase such additional evidence, at the expense of all the difficulties that must ensue upon the putting of the question. In his view of the case, the whole matter now immediately under discussion lay in this narrow compass. If, however, there should be a majority of the House who might not look at it in the same point of view that he did; and if they should determine still to put the question, despite of all the difficulties it might entail, he had no hesitation in saying that he would not be the person again to interpose in the matter, and that the consequences of the witness's refusal to reply must be those which the House had the unquestionable power of visiting upon him. If he thought otherwise, he would not have addressed the House upon this stage of the question, but upon that touching the penalty. As the matter now stood, he did think it better, in point of discretion, to pause now, rather than to push the controversy to the extent which it must go to, if the House once arrived at it, subsequently to putting the question. He thought the House could not mix up the question itself with anything like the principles of this society, and he could declare for his own part, that had the same difficulty arisen with respect to the case of an United Irishman, he should have felt upon it as he did in the case before them. He should have considered, as he now thought, that it was better to stop short on the first occurrence of a difficulty of this nature, than to go on to meet it, in the only way it could be met—by the exercise of the privileges of that House in the punishment of the individual.

Mr. *Brougham* confessed he could much have wished that his right hon. friend, before he had entangled the House in the difficulty of a new question, had waited till the preceding question had been repeated; that question, which had already been proposed, and which after some dispute the House had resolved should be put to the witness, but which, in spite of their almost unanimous resolution, the witness still pertinaciously and contumaciously refused to answer. He said this, because, under submission, it did appear to him, that before they extended their inquiry to any other particular, it was absolutely necessary for the House—(if it wished to retain even the shadow of a power which hitherto it had always been thought to possess—the power of compelling answers to questions put from the chair)—that it should first have an answer to the question which had been put to this witness. But this was the only difference (a difference on the mere point of postponement) between his right hon. friend and himself. Of the question itself, as proposed by the right hon. baronet, there could scarcely be two opinions; and yet it had been adverted to as irrelevant and inexpedient. But, who could seriously doubt of the relevancy of that question? And it was now too late to ask whether or no it was expedient; for it had been put, and the House had determined properly put, to the witness by the chairman. The committee was to inquire into the conduct of the sheriff of Dublin, against whom evidence had been adduced to prove, that having packed an Orange jury, he boasted that he had provided an Orange panel, to try certain parties, accused of—

Colonel *Barry* rose to order. The learned gentleman was really assuming too much. It had, indeed, been stated in one part of the evidence which had been given at the bar, that the sheriff had packed an Orange jury; but this assertion was in another part denied.

Mr. *Brougham* resumed. He was quite sure that the right hon. gentleman, who had hitherto conducted this inquiry with great fairness as well as acuteness and ability, had suffered himself to depart from that course in the present instance; for surely he would see the absolute impossibility of arguing one part of a case, which must, of necessity, be interlocutory, if he (Mr. B.) was to be confined to that which could be strictly held as proved; because, as yet, there was no decision of the House upon the subject of the inquiry. He was not attempting to prejudice any party. He was not prejudging (God forbid that he should prejudge) the sheriff of Dublin. He was putting the case hypothetically only. He contended that there stood at that moment, upon the minutes of the House, certain evidence which went in one certain direction. Let it not be said that he was asserting, that the sheriff had actually, and of a truth, packed this grand jury; but he did assert, that the House was in possession of evidence to show that the sheriff came into a certain room, and said, "I have a good Orange panel in my pocket." And this testimony he must be allowed to say was not contradicted; for, as to the attempt which had been made to refute it at the bar, it was really such a total failure as he had never before witnessed. [Cries of "Order, order."]

Mr. *Plunkett*, in rising, as he felt compelled to do, to order, was really anxious only to recall his learned friend to the course of argument which he had been just before so ably and properly pursuing. For his learned friend to enter further into the merits of the defence, was in fact to anticipate the case which would be afterwards to be submitted to the House, on the result of the whole evidence.

Mr. *Brougham* felt obliged to his learned friend for the suggestion, and could assure him, that he had been dragged most unwittingly into the statement he was making. He knew, however, that the House was agreed with him upon this part of the evidence—that the sheriff was alleged to have said, and with tokens of satisfaction, "I have got an Orange panel in my pocket." Now, the committee were to pursue the inquiry, not as to whether the sheriff really said, "I have got an Orange panel in my pocket," but whether he did or did not pack this grand jury? But packing a grand jury might be the result of his having in his pocket an Orange panel, or it might not. The result of such a panel, again, in the sheriff's pocket, might have been the polluting of the very source of justice. It would depend on further evidence, to be adduced at the bar, what meaning they were to give, in short, to the words imputed to the sheriff. It would depend on that, whether that admission of which the sheriff was said to have bragged, "that he had this Orange panel about him," amounted to a declaration of his having polluted the sources of justice, or to any brag at all. For aught that he at present knew to the contrary, the result of the House's probing to the bottom the meaning of this Orange panel declaration might be, that the sheriff would come out quite clear from the investigation: but, until the House had examined into this matter by more evidence, he must say, that they were totally unable to pursue the principal inquiry with any chance of being enabled to put a rational construction on the evidence adduced already. The question not yet answered had been declared on the other side of the House to be improper. And why? Because the sheriff was an Orangeman. The right hon. secretary for Ireland had observed, triumphing as much in his supposed victory over the right hon. baronet as the sheriff had exulted in the Orange panel in his pocket, that the question in relation to the Orange oath could not be a relevant one, because—and it was the oddest of all reasons—the sheriff himself was not an Orangeman. And then there was a cheer on the right hon. gentleman's side of the House. "You must first prove," said the right hon. gentleman, "that the sheriff is conversant with the signs and symbols of the Orange association before you ask sir Abraham Bradley King such a question." What had this to do with the matter? for he (Mr. B.) came to this result—what did the question mean? And he contended, that either the question must be answered, or the whole of the inquiry was a delusion and a mockery. Either this question must be gone into, having been asked, and answer denied, or the whole investigation must be abandoned; unless they chose at once to inform the world, not only that they did abandon it—not only that they felt that they had got into a scrape, and were anxious to get out of it at the earliest possible period—but that they had arrived at a much more fatal conclusion, and one which all mankind would not fail to draw [Hear!]; namely, that all these concessions, these modes of subterfuge, were no more than so many phrases suggested by discretion, "that better part of valour;" that beneath those phrases they meant to conceal what might better be expressed by another word, sometimes also implying the better part of valour; and that another term was made use of only to varnish over their failings or their weakness—the word dignity, which he had heard, with surprise, the right hon. secretary for foreign affairs employ, when recommending the House to fall prostrate before the Orangemen—to yield to the deputy grand master of the Orange lodges. The moment sir Abraham Bradley King chose to say, "I won't answer you," the right hon. gentleman recommended the House to acquiesce in his—scruples, forsooth: and, after the question had been put on a former occasion five or six times over, without being objected to on his part, the right hon. gentleman all at once discovered it to be irrelevant. At length, it seemed, after eight and forty hours of deep cogitation upon the dignity and the privileges of parliament, he had been fortunate enough to ascertain, that the question to sir A. B. King was totally irrelevant! Why, if sir Abraham should beat them, after thus refusing to answer, and bringing forward his great threat of going to prison, what then? He (Mr. B.) did not go so far as to propose conferring on him the honour of martyrdom: by no means. The House was now so accustomed to defeat, that it was unnecessary to go such lengths. Sir Abraham, vapouring about his Orange oath, and putting forth the *ultima ratio* of the great Orange king, said to the House—"I will go to prison. I will wear that crown of martyrdom, of which, if you disturb a single laurel on my forehead, all Ireland is undone." Sir Abraham only showed himself now at the bar. He did not even assign reasons for his refusal, and the House yielded to him. With sir Abraham the case was simply "*veni, vidi, vici.*" Indeed, the only difference between him and his great precursor was, that when the latter came among us, he had at least to conquer us after coming: but sir Abraham Bradley King had only to show himself, and to defeat the parliament, the inquiry, and the government altogether. Let not the House suppose that the public out of doors were as kind to them as the House were to themselves. To such conduct as they were pursuing, the public would say effeminacy was the only applicable term. The House might use whatever words it best suited their palate to designate it by; but the world would say, that sir A. B. King, because he was a deputy grand Orange master—because he was a favourite at court, and came before parliament loaded with court honours—because he was connected with men of rank and note,—was not treated by the House of Commons, as they would treat some unfortunate United Irishman, or some poor printer, brought to their bar; but, as lord Redesdale had once said, (and it was impossible not to respect the high authority of an individual connected for many years with Ireland), "the result of that long connexion was, that in that unhappy country there was one justice for the rich, and another for the poor; both of which were equally indefensible in their character." Grieved was he (Mr. B.) to declare, that, even in England and in the House of Commons, there was one right of privilege for the rich, another for the poor; and, though the right hon. gentleman (Mr. Canning) had held himself out as an exception—and a splendid one he would be, if he would act up to the declaration he had made—and though the country would consider him as an exception, if a poor United Irishman should ever be brought up to the bar on a charge of having facilitated the escape of some of those traitors whom his learned friend (Mr. Plunkett), holding with equal hand the scales lately confided to his keeping, had proceeded against; and if, on that Irishman being asked, whether he had not aided in such escape, and had not bragged of having got a Green panel, or an Eringo-brach panel, or a panel having whatever other arbitrary title the unfortunate Irishman might give it, he, the Irishman, should answer, "Excuse me, I am under the obligation of an oath—it is a great and sacred obligation between me and the Divinity,"—though the right hon. gentleman might act up to his pledge, what would the House at large say? The right hon. gentleman himself said, that in recommending the question of the hon. baronet not to be put, he acted as he would do in the case of an United Irishman—that he should be better performing his duty in the latter case, as he was in the present one, by not pressing such a question. So that the right hon. gentleman would not, of his own accord, give them a triumph over an United Irishman; but he was willing to concede a much greater triumph, in this instance; namely, that of the Protestant-ascendancy-men, as they called themselves, over the Roman Catholics of Ireland. These were the persons who claimed to be excused from violating an illegal oath for the purposes of justice; who were sworn to serve the king faithfully, as long as he observed the conditions which their oath respected. But this was not the duty which the House was called on to perform now. If, however, they were determined to stop short, let them do so at least in fair, open, and honest language. Let them say at once, that they were afraid of Orangemen—that they were about to put down Orange societies by bills which might possibly never pass—that they were about to stigmatize those associations and oaths as unlawful, which the law had already declared to be so—that the opinions of his majesty's ministers and of the attorney-general were against them, and would therefore remedy the evil. Why, when all this got abroad, the country would not believe one word of it; but they would believe that which was much more probable—they would take the probability to be, that if the House did not go on to press this question about an Orange oath, they were really afraid of Orange societies; and that, in order to prevent alderman sir Abraham Bradley King from obtaining the glory of martyrdom in that cause, they were willing to put down their necks, their dignity, their privileges, all low together in the dust, and ask him to put his foot upon them, beseeching him to forego his perilous intention.

Mr. *Wynn* admitted, that great inconvenience attended the putting this question. Of the power of the House to compel an answer he entertained no doubt; but he was disposed to concur with his right hon. friend in doubting the expediency of doing so in this case. He would recommend the right hon. baronet to remodel his question, or postpone it to another opportunity, whether those formed part of the Orange oath.

Sir *J. Newport* expressed his acquiescence in this suggestion.

Colonel *Barry* said, it would be fair to put the question to the witness at once in the way now suggested, rather than lead him on into any unnecessary predicament.

Sir *J. Newport* said, he wished for the present to postpone the question.

Colonel *Barry* objected to the postponement of the question.

Lord *Milton* thought the right hon. colonel was going too fast when he objected to the course of proceeding which the right hon. baronet intended to pursue. In point of form, the question had not yet been put.

Mr. *Croker* was of opinion, that any question which had not been put from the chair might be withdrawn.

Mr. *Brougham* said, that if a question suggested by a member were put from the chair, it certainly could not be withdrawn, because it then became a motion; but, in the present case, the question had only been suggested by the right hon. baronet, and therefore he had a right to withdraw it if he pleased.

Colonel *Barry* said, the committee must be aware that throughout the inquiry, questions had been permitted to be put by individuals, instead of being formally proposed through the chair. The question which the right hon. baronet wished to withdraw had been entered on the minutes. It could not be expunged without the consent of the committee.

Mr. *Croker* suggested, as the only means of getting rid of the difficulty, that some honourable member should move that the question be now put.

Colonel *Barry* moved, that the question be now put.

Mr. *Abercromby* thought the committee would be acting very arbitrarily if they declared that, *nolens volens*, a member should put a particular question.

Mr. *Plunkett* said, he could not help thinking the motion just made, a very extraordinary one. The argument of the gallant colonel was, that the question had been put, it could not be withdrawn, and his that the question be now put. If the question had not been put, what became of his argument, and if it had been put, what was the use of his motion? How, he should be glad to know, was his right hon. friend to withdraw a question which had never been put?

Colonel *Barry* said, that if there were any absurdity in the motion he had proposed, he was not responsible for it. He had taken up the suggestion of the hon. secretary for the admiralty.

Mr. *Wynn* objected to such a motion as nugatory, because, if it were determined that the question should not be now put, such a decision would be no bar to putting it half an hour hence, when the circumstances might be materially altered. It would be more regular to allow the hon. member to withdraw the question.

Mr. *T. Wilson* contended, that the question could not be regularly withdrawn without the permission of the committee.

Sir *J. Newport* said, he apprehended no hon. member had the right of calling upon him to put any particular question. Now, he did not choose to put this question at present, and nobody could compel him to put it. It was perfectly competent to him to examine the witness in his own manner, and it was for himself alone to determine hereafter, whether it might not be expedient to put this question.

Mr. Secretary *Peel* said, that if his gallant friend persisted in his motion, he should certainly assist the right hon. baronet in opposing it. He objected to any question being put for the purpose of extorting disclosures as to indifferent symbols or signs adopted by the Orangemen; but if the right hon. bart. had been informed that there were any verses from Scripture relating to extermination read to the party taking the oath, he should not consider this an indifferent matter, and he should not therefore object to putting any question relative to such passages.

[The witness was again called in and examined.]

By Sir *J. Newport*.—You have said, that certain passages of the Scriptures are read to Orangemen on their initiation; state in what part of the Scriptures those passages are to be found?—

Mr. *Bankes* suggested that it would be

better to put the question through the chair.

Mr. *Brougham* said, it was material that the committee should pause a little, to consider in what position they now stood. The witness had on two occasions openly contemned the authority of the House. When he was called back the second time, and asked whether he would answer the question put by the committee, he told them distinctly that he would not. The question now at issue between the committee and the witness was, whether they or the witness should prevail? It was said that the question which he had twice contumaciously refused to answer had been answered; and, if this were so, then he (Mr. B.) would admit that the victory, such as it was, had been gained by the committee. But, what was the answer which had been at length obtained? The witness declared that no passages in Scripture were read, except with reference to the signs and symbols by which Orangemen might know each other; as if a thing could not be at once a sign, and a pledge; as if a watch-word might not be also a pledge, and a pledge so much the more fatal, as it would operate in the double capacity of a rallying cry and an obligation. How had the witness answered the question, whether he recollected the part of Scripture from which these verses were taken? the object of the question was, to ascertain where the passage was to be found, and the answer of the witness was marvellously definite, precise, and explicit. The committee called upon the witness to point out the particular part of the Scriptures in which the passage was to be found, and the witness facetiously referred them to the Old Testament. The committee had ample space to expatiate in. The passage might be in Genesis or in Malachi; it might set forth that Abraham begat Isaac, and Isaac begat Jacob; or it might be a passage recommending us to exterminate our enemies root and branch, so that man, woman, nor suckling, might survive. The witness was called upon to point out a particular part of the Scriptures, and he referred them to all the books of the Old Testament—Apocraphy, he supposed, and all. Was there ever a more degrading mockery of the dignity and privileges of that House? It was as gross a mockery, as if the witness had been asked "How many Orangemen are there?" and had answered, "I will not tell you, because I am bound by my oath; but if you consult the multiplication table you may find it out." Under these circumstances, he thought, that the form of the motion should be, that, having directed the chairman to put the question, and the witness having refused to answer it, the committee again direct the chairman to put the question.

Sir *J. Newport* then moved, that the following question be put by the chairman to the witness:—"In what book, chapter, and verses of the Old Testament are those passages to be found which are read to an Orangeman at his initiation?"

Mr. *Bankes* objected to any thing which appeared like an unnecessary interference with a man's conscience.

Mr. *J. Williams* contended, that the question was not merely relevant, but absolutely necessary to the further prosecution of the inquiry.

The committee divided: For putting the question 87; Against it 117.

Mr. *Brougham* then addressed the House. He wished, he said, that he could comprehend the motives which had led hon. members to the decision which had just been anounced. He was afraid that the real ground on which many members objected to pressing the last question upon the witness, was a regard to the religious and conscientious scruples which he professed to feel. He was afraid that many gentlemen, from what they thought a laudable, but from what he must ever deem a mistaken notion—from an error in judgment, and not from any deliberate wish to cherish secret associations and illegal oaths—had, by their vote of that night, given their sanction to a practice which, if allowed to continue, would cut up religion by the roots, and render the administering of oaths in judicial proceedings perfectly nugatory. The oaths which the witness had taken were a mere mockery, and ought to have no obligation; they were an irreligious, not a religious ceremony; they were to be discountenanced, not countenanced, by every man who loved religion and respected law. Such was his own deliberate opinion. Such, too, he would venture to say, would be the opinion of every judge who should have occasion to deliver an opinion upon this most serious subject. He grieved that there should be any gentlemen in that House who could not eradicate from their minds the idea, that regard ought to be paid to these absurd, these irreligious, and, he would add, these blasphemous oaths. Strange as it might appear, it was nevertheless true, that those individuals who were most active in indicting poor people for what they, in their superior wisdom, called blasphemy, were now the foremost in their places in parliament to give countenance to a system of far worse blasphemy. But, passing from that subject, he must again observe, that in the mistaken grounds on which the committee had just decided—grounds which would apply to every other question that might be put to the witness, and which must obstruct at every instant the progress of his examination—in those mistaken grounds he read the decision of the committee, not to consider the propriety or relevancy of the question to be put, so much as the inclination and convenience of the witness to answer it. It seemed as if the first point that the committee would have to decide in all its future questions, would be—not whether the question was fit or proper, or convenient for them to put—but whether it suited the pleasure and convenience of sir Abraham Bradley King, the Orange chieftain, to condescend to give it an answer. If such were the case, he was of opinion, that the committee ought not to expose itself to further humiliation than that which it had already sustained; but as, perchance, it might not happen to be so, and as he wished to avoid doing any thing that might bear the appearance of rashness, he would recommend his right hon. friend to persevere, and to put two or three more questions to the witness at their bar. His right hon. friend could but desist at last, supposing that, after all his efforts, he should still find the committee obstinately bent on patronising the witness in his observance of an oath, acknowledged on all hands to be as illegal in its nature, as it was in its tendency odious and wicked. And here he wished to impress upon the consideration of the committee, that he was by no means the only person who considered this oath an illegal oath. The Attorney-General for Ireland had declared it to be so. The Lord Chief Justice in Ireland had expressed the same opinion, and had further added, that the individual who took it committed a misdemeanour by so doing. What regard, then, ought the House to pay to a witness who rested his defence upon a violation of the law—who pleaded his own wrong as a bar to their undoubted rights; who unblushingly set up the misdemeanor he had committed as a protection against the inquisitorial functions of the high court of Parliament? Never since parliaments had been in existence did he know of a case where such an outrage had been done to the privileges of the House—in which there had been seen one millionth part of the degradation which this case had brought upon it; and he was astonished that the right hon. gentleman opposite should talk of the danger of making the witness wear the crown of martyrdom on such an occasion. When sir Francis Burdett was committed to the Tower, was it for offering any obstruction like the present to the powers of Parliament? No: it was because he had spoken lightly of certain of their proceedings, in a pamphlet which he had written some two or three weeks after their conclusion. The House, however, by an unprecedented, and, as he should ever contend, by an illegal stretch of power, sent the hon. baronet to the Tower, notwithstanding that the same argument, which was now in use, was raised about giving a triumph and making a martyr. The argument, however, such as it was, had but little effect in that day; though the proceeding to which it related was of such a nature as to place in jeopardy the tranquillity of the metropolis. He mentioned that case, not with a view of approving it—quite the reverse—but with a view of showing how careless, how totally indifferent the House had been about giving triumphs and making martyrs, in a case that was not a thousandth part so exigent, as the case which was then under discussion. He therefore contended, that on every consideration of policy and of justice, the committee was bound to proceed with this investigation. They might, however, be of a different opinion. They might resolve to act upon their recent decision, and might determine not to allow his right hon. friend to put any question to the witness, that he might think it inconvenient to answer. In that case, they had better put an end to this inquiry at once, and with it to all future inquiries; for they might depend upon it, if they exercised their forbearance at present, it would not be by many the last time that they would be called upon to exercise it; and he should like to see with what grace the House would use its privileges. He should like to see with what grace it would dart its vengeance, for any real or imaginary breach of privilege, at the head of any offending printer, such printer not possessing friends at court, and not having a powerful and illegal association to back him—he should like to see with what grace any minister would propose to punish that printer, supposing he should steadily refuse, even though four times requested, to give any explanation of the breach of privilege he had committed, on the ground that he belonged to the secret association of journeymen printers. Supposing he were to object to reveal the watch-word of the association, and were to bid them look for it in the holy Scriptures, or in Johnson's Dictionary, or even in the Numeration table, and supposing he were to add, "My conscience is tender, I have a regard to my oath: whatever consequences may arise from my refusal, I am prepared to brave them all." He should like to see with what grace any minister, after the defeat which the committee had that night sustained from the Orange Chieftain, would venture to commit that individual to Newgate, or even to the custody of the sergeant at arms. He contended, that by the decision to which the committee had that evening come, it had abdicated its most important functions, and had absolutely committed an act of suicide. If it allowed the witness to brave its vengeance in the manner which he had attempted—if it permitted him to succeed in the violation of the privileges of parliament which he had so daringly contemplated—there was an end to their existence as a branch of the legislature, and they were no longer a House of Commons for any useful or salutary purpose. It only remained for some daring adventurer to play the same game in that House of which it had once before been a witness—to take that mace, which was now placed under the table, but which then rested on it, and bidding them seek the Lord elsewhere, turn them out with the kicks and cuffs they richly merited, and then, ordering the doors to be locked, and putting the key in his pocket, to depart to his lodgings in Whitehall, and to put an end to their existence for ever. [Cheers.]

[The Witness was again called in, and examined]

By Sir *J. Newport.*—Are the following words, or any part thereof, put to any Orangeman, either at his admission or after; "And stay ye not, but pursue after your enemies, and smite the hindermost of them, suffer them not to enter into their cities, for the Lord your God hath delivered them into your hands"?—Not one word of it to the best of my recollection.

Are any words read to that effect?—None that I know of.

By Mr. *Brougham.*—From what part of the Old Testament are the words read to Orangemen on the admission, taken?—

[The witness was ordered to withdraw.]

Mr. *Bankes* objected to this question being put.

Mr. *Brougham* said, that the present question was the natural result of a previous answer given by the witness himself. If such interruption was sanctioned, it was a mockery to proceed further in that more than mock inquiry. Every step they were taking only led to deeper humiliation. For his part, as he clearly saw the determination of the majority, he should not trouble himself or the committee by dividing.

Mr. *Hutchinson* acquiesced in every observation of his learned friend. The king's ministers had much to answer for to Ireland and the empire, for the course they had taken that night. They had sacrificed the marquis Wellesley and the Irish government to the Orange association. They had allowed the inquiry to take the most comprehensive scope, until it actually arrived at that point on which it was of essential importance that the fullest information should be imparted. What an effect it must produce on the peace of Ireland, when the great body of its population were told, as the decision of that night would tell them, that their rights, the dignity of the House of Commons, and the principles of justice, were sacrificed to the Orange faction. After what had passed, it would be worse than useless to proceed further. He should, therefore, move, "That the chairman should report progress, and ask leave to sit again that day six months."

Mr. *Peel* said, he should not be betrayed by the invective which the hon. gentleman had put forth into a defence of government at an inappropriate time.

Mr. *Hume* said, that if ministers persevered in refusing to press the witness, they treated the attorney-general for Ireland most unfairly; since that learned gentleman stood, upon his own admission, convicted of being in the wrong, unless he showed that the sheriff of Dublin had packed the jury. Government, by the course they were taking, were manifestly endeavouring to prevent the elucidation of the truth. To continue the inquiry under such circumstances, would be a mere farce. He therefore thought it would be better to get rid of it at once by the motion of adjournment.

Mr. *S. Rice* deeply regretted the resolution of the House, which shut out from the inquiry the evidence which was necessary to bring it to a rational conclusion. At the same time, he thought that to close the investigation abruptly, would be unjust to the sheriff of Dublin, and disgraceful to the character of parliament.

Mr. *Grattan* wished his hon. friend to withdraw his motion. Ministers were not acting handsomely; but, to put an end to the inquiry upon the sudden would produce great mischief in Ireland.

Mr. *Peel* said, that if his right hon. friend had no more witnesses to call in defence of the sheriff, he would vote for the adjournment proposed. If the right hon. gentleman had farther witnesses to call, he would vote against that motion.

Colonel *Barry* said, that if the House wished, at the present point, to put an end to the investigation, he should feel perfectly satisfied with the manner in which the sheriff of Dublin had come out of it; but, if any ulterior proceeding was meant to be founded upon the evidence which had been given, he should feel it his duty to call further witnesses.

Mr. *Calcraft* observed, that the House could give no pledge as to an ulterior proceeding. As any member might move such a proceeding, no pledge could be of any value unless given with all the members of the House present. At that moment, even the hon. baronet who had moved for the inquiry was not in his place. He thought no one could suppose that the hon. member for Cork, by his motion, had meant to put an extinguisher upon the proceeding altogether.

The motion of adjournment was put and negatived.

[The witness was again called in and examined.]

Do you consider yourself bound by your oath to keep secret all that passes in the lodge?—No, I do not.

Are you bound by your oath to keep secret any part of what passes in the lodge?—Nothing; but what passes with respect to the making of an Orangeman, the signs and words.

With the exception of the words and signs, may every thing be revealed that passes in an Orange lodge?—I think so.

Is there any thing in the rules of the institution which would militate against that?—I rather think not.

In what then consist the proceedings of lodges, besides the making of Orangemen, the signs, the tokens, and the symbols?—There is a variety of business to be done, it is impossible to say exactly what it is, a variety of business may or may not be before the lodge.

Can you mention any part of the business, or the general nature of the business?—I declare, I cannot; the lodge is opened, as I mentioned before, according to the rules and regulations that are on the minutes, there is a form of prayer read at the opening the lodge, and at the closing the lodge; during the time the lodge is sitting it is according to the business that comes before them, what that business is, may consist of a variety of things, but I do not conceive there is any thing that a man attending in that lodge would be bound to keep secret, save and except the signs and words.

Is there any thing takes place in those lodges, hostile to any class of his majesty's subjects?—Certainly not; I never knew it, nor I do not believe it.

What office did you hold?—I was deputy grand master of the Orangemen of Ireland.

Is that an annual office?—It is an office that the person is elected to annually.

Is it an annual office?—It is an annual office, he may be displaced, the officers are elected annually, and he is one of them.

Do you at present hold that situation?—I do not.

Were you dismissed from the situation, or did you retire?—I retired.

Have you any objection to say why you retired?—I have not.

State then why you retired?—About three years ago, I think, there was a question occurred, the grand lodge were called upon that question, they were of opinion with me that a certain act was not prudent or necessary to be done at that time; however it was done afterwards, and I did conceive that I ought not to be at the head of a society, that at that time disregarded the instructions that they received from the grand lodge, and I retired.

What was that question?—It was relative to the dressing of the statue.

What were your sentiments upon that occasion?—I thought it imprudent to dress the statue at that time.

Was that at the time of the King's visit to Ireland?—It was prior to the king's visit.

Was it at the time when he was expected?—It was sometime before he came; it was just about the time of the king's coronation.

By Mr. *Butterworth*.—In any part of the Orange institutions, symbols, or anything else, is there any thing directly or indirectly hostile to any class of his majesty's subjects?—Decidedly not.

Are there any political discussions take place in the lodges?—Unless that is called a political discussion; I do not know of any.

Is there any thing in the oath of an Orangeman, or in the mode of his admission into a lodge, which in your opinion, would induce him to swerve from the principles of justice, either with regard to protestants or Roman catholics, if he were upon a jury of his country?—Decidedly not.

Are you acquainted with sheriff Thorpe?—I am.

Is he an Orangeman?—Not to my knowledge.

Is there anything offensive to any class of his majesty's subjects passes in the Orange lodges?—Nothing that I know of; latterly the Roman catholics have taken offence at the Orangemen and their practices, latterly I have heard of it, but only very latterly; I know of nothing that passes in an Orange lodge that ought to give offence.

By Mr. *Hume*.—You have stated in your former evidence, that there are certain passages of the Old Testament read when an Orangeman is made; do you recollect what is the purport of those passages of Scripture?—

[The witness was directed to withdraw.]

Mr. *Hume* insisted, that he had a right to ask the purport, though the decree of the committee had precluded the question as to the particular verse or chapter. What objection could any man have to state the general tendency of the passages, unless they were of a character which he wished to conceal? Might not their purport be to hang all the Roman Catholics? By a concealment of the fact, he had a right to presume that these suppressed passages did convey such an import. And on his conscience he believed they did.

Mr. *H. Dawson* deprecated these attacks upon the character of such a large and respectable body of the Irish nation as the Orangemen. He never belonged to that association, but if the obligation of an oath were removed, he would become an Orangeman to-morrow. He admired them for their principles and their conduct, and he was convinced that to their exertions Great Britain would have to look for the preservation of Ireland to the empire. And yet it was the fashion of the day to visit with every term of reproach that body. He defied any man to say that there was in the evidence of sir A. B. King anything that did not reflect credit on his character, he was a man of character, and a conspicuous member of the Dublin corporation; but, because that corporationwas Orange, epithets of disgrace were lavished on it by members on the other side of the House.

Mr. *V. Fitzgerald* complained of the extremes to which two hon. members had gone in the heat of argument; the one arrogating an exclusive feeling of loyalty on behalf of one party, and the other attributing to Orangemen universally a wish to hang the Catholics. He trusted that the hon. gentleman would see the propriety of withdrawing the question.

Sir *J. Newport* said he would have passed over this discussion in silence, but for what had fallen from an hon. gentleman vested with an official character; that hon. gent. had stated, that on the loyalty of theOrangemen the House was to depend for the safety of Ireland. But the hon. gentleman did not stop there: he had gone into a defence of the corporation of Dublin. But did the hon. gentleman forget the report of the commissioners of accounts, charging that very corporation with gross malversation, and the report of the committee above stairs adopting the same view, and charging them with embezzlement to the amount of 30,000*l.*?

Mr. *Peel* thought that the question proposed had been in substance overruled already. He advised that it should be put generally, "Is there any tendency to hostility in the words used towards any other nation?"

Mr. *Hume* said, that his object was, to ascertain the nature of these institutions. To screen the witness from answering the question was a denial of justice; and as ministers clearly made themselves parties in the case, he charged them with participation in a design to suppress the truth. There could be no hope of peace for Ireland until Orangemen, as a body, should be destroyed—till faction should be rooted out of that unhappy land. He could not conceive what ministers would be at. All he could make of it was, that this was part of the same spirit of compromise of which they had so often had reason to complain. The secretary for Ireland had a bill upon the table to put down Orange associations as unlawful. The under secretary said, that but for the oath he would be an Orangeman. How were they to reconcile these different assertions? He was determined to take the sense of the House upon the question.

Mr. *Grattan* said, that if the under secretary really held these opinions which he professed, he was not fit for his situation. It was clear from what had passed at the bar, that Orangemen ought to be put down.

The committee divided: For putting the question, 77. Against it, 131.

[The witness was again called in and examined.]

By Mr. *Hume.*—Is there anything in that part of the Old Testament which is read at the initiation of an Orangeman, or at any time after, which expresses sentiments of hostility on the part of the Israelites towards any other nation?—I do not think there is.

Are you sure that there are not any such sentiments?—I am.

Are those passages of Scripture such as preach peace and good-will to men in general?—

[The witness was directed to withdraw.]

Mr. *Wetherell* objected to the question, as being put too generally.

Mr. *Hume* thought it strange that the learned gentleman should allow a general question to be put with respect to hostility, and object to its being put with respect to peace.

Mr. *Scarlett* defended the propriety of putting the question.

Mr. *Ellice* suggested to the right hon. secretary, that it would be more consistent with the manly and candid course which he had hitherto adopted, to postpone the further consideration of the question till this day six months. He would ask him whether he did not think that such a course would be more likely to promote the peace and happiness of Ireland.

Mr. Secretary *Peel* thought he might be allowed to express some surprise at the hon. member's coming down, after having comfortably dined, and asking him whether he had not better follow a course which had already been twice decided against by the House. He would now, in his turn, ask, whether the questions which had been put were not trifling with the House? whether it had not already been decided, that the witness ought not to be compelled to give any further answers.

Mr. *Ellice* begged to assure the right hon. gentleman that he had divided upon both the motions. The result of the first had induced him to think the cause was hopeless; that of the second had convinced him it was so. His majesty's government, at first opposed to the inquiry, had in its progress thrown every obstacle in the way, conformably to that system of compromise which was their distinguishing character. It was because he saw that to proceed further would be an unprofitable waste of time, that he had called upon the right hon. gentleman to move that the Chairman report progress, and ask leave to sit again on that day six months. He could not do it himself with consistency, because he had voted in the first instance for the inquiry, and subsequently for the questions which had been negatived.

Mr. *Scarlett* said, that the minority, of which he formed one, were of opinion, that the object and the political effect of the Orange associations were injurious to the public peace of Ireland. The majority thought otherwise. If that latter opinion were well founded, they ought not to object to the inquiry. But, as long as the witness at the bar was permitted, upon every frivolous pretext, to suppress his answer, no good purpose could be accomplished by continuing the questions.

Mr. *Jones* thought, that whatever might be the opinion as to the conduct of the sheriff, there was no one who must not be satisfied that no imputation could attach to the attorney-general for Ireland. He thought it would be better to postpone for six months any further progress in the inquiry.

Sir *J. Yorke* said, that if the House could not get at the truth of the case, it would be better to put an end to the inquiry, and he hoped that the hon. gentleman would move to that effect. But this he would say, that "come what may," to use the words of the right hon. secretary, if a witness at the bar of that House would not disclose what he must know, he should go instantly to Newgate, whoever he might be.

Mr. *Jones* adopted the suggestion, and moved, "That the Chairman report progress, and ask leave to sit again on that day six months."

Mr. *J. Smith* said, he could not help expressing how deeply disappointed he felt. When the right hon. gentleman (Mr. Canning) was appointed to his present situation, although he differed from him on many political questions, yet, considering his great talents, he rejoiced at his appointment, because he thought it the harbinger of a wise and liberal policy towards Ireland. Those hopes, he was sorry to say, had not been realised. But, although little good would result from this investigation, it would still, he trusted, be productive of some; for every man who had attended to it, must be satisfied, that the administration of justice in that country required revision. He should, therefore, oppose the motion just made.

Mr. *Jones* thought the sooner the subject was consigned to oblivion the better.

Mr. *Canning* said, that having objected originally to the inquiry, foreseeing the state in which the House would be placed by it, he did not feel himself at liberty to interfere in the present question, and should therefore decline giving any vote at all.

Colonel *Barry* was perfectly satisfied with the case of the sheriff as it then stood. If the hon. baronet were voted out of the chair, he was willing to concur in the motion; but if it was intended to found any ulterior proceeding upon the evidence before the House, then he must examine to the end. If he did otherwise, he felt he should be giving up his duty; and therefore, with all the inclination he had to save himself and the House from fatigue, unless the proceedings were to be altogether closed, he must proceed.

Mr. *Daly* recommended his hon. friend to rest the case where it stood, and take the chance of any ulterior proceeding. It was competent for any member to originate any motion from the evidence; but he did not anticipate that such a step would be taken.

Colonel *Barry* concurred.

Mr. *Calcraft*, alluding to the opinion he had previously expressed in the course of the evening, did not think he was precluded by it from recommending the hon. colonel to examine all his evidence now. Let not the hon. member flatter himself that the case could rest here. He should be sorry if it were now closed under any such impression. The right hon. gentleman (Mr. Canning) must excuse him if he looked upon his last declaration as a most singular one. With great submission, he thought he was bound to make up his mind to Ay or No. The right hon. gentleman (excellent prophet!) had foreseen the situation in which the House would be placed. He (Mr. Calcraft) had also foreseen it; but he defied any man to say that the House had not received much useful information from the inquiry. He should oppose the motion if it went to shut out all further inquiry. When the whole case was before the House, it could form an opinion; and now that there was but one more witness to examine, it would be absurd to stop short. He entreated gentlemen to pause before they gave a vote on this question. They were sitting in the exercise of their highest functions, and upon a case in which, whether inquiry were fitting or not, they had resolved that it should be entered into.

Mr. *Canning* said, if the case had been closed, he should not have felt himself at liberty to say that he would withhold his vote. The hon. gentleman had misunderstood him, if he supposed he had intended to withdraw from the discussion, when the case should come for the decision of the House. But, if those who conducted the case on either side thought fit to terminate it prematurely, he would not, by any vote of his, preclude such a mode of disposing of it.

Sir *J. Newport* said, that as the inquiry had originated with the hon. baronet, the member for Westminster, who was absent from indisposition, the case ought not to be closed without his consent.

Mr. *Bennet* said, the investigation had fully answered his expectations. It appeared from the evidence of one of the witnesses, a police magistrate (major Sirr), that a great deal of tampering existed in Ireland, which ought not to be tolerated. With respect to the sheriff of Dublin, the practice of striking juries evidently called for correction. And, with respect to that House, the investigation clearly displayed the system which was at work both within and without it.

The Committee divided on Mr. Jones's motion: Ayes, 42. Noes, 173. Majority against it, 131. The Chairman was then directed to report progress, and ask leave to sit again.

HOUSE OF LORDS,

Tuesday, May 27.

COMMUTATION OF TITHES IN IRELAND.] The Marquis of *Lansdown* rose to present a petition, signed by about three-fourths of the beneficed clergy and lay-impropriators of the united diocese of Limerick, Ardfert, and Abadoe, including the whole of the county Kerry, and a considerable part of the county Cork, praying for a Commutation of Tithes. The noble marquis observed, that the district from which the petition came was part of the most populous region of the south of Ireland, and the petitioners prayed the House, on the principles of justice, to pass into an act some measure for enforcing such commutation. If the opinion of any persons was entitled to peculiar weight on this question, it was that of the petitioners, who resided on the spot, who knew the subject practically, and who were acquainted with all the operations of the system under which they lived. It was reasonable to believe that such men felt an interest and regard for the happiness and prosperity of the population with whom they were concerned, as well as for their own. In both points of view, the petitioners considered the question, and they stated it to be essential to the happiness of the country, to the preservation of order, and to their own interests, that some equitable principle of commutation should be acted upon, and made part of the permanent law of the land. He trusted the House would feel it to be an additional argument in favour of such a measure, that it would take out of the Statute-book laws of the most oppressive and tyrannical kind, laws which he was convinced nothing could ever induce the legislature to pass with reference to this country, but which were enforced in Ireland, on the alleged ground that they were absolutely necessary to carry into effect the system of tithes, as they now existed in that kingdom. Laws so tyrannical and so unjust ought not to be afforded the opportunity of execution. He should be doing great injustice to the Protestant clergy of Ireland, however, if he did not state, that they seldom had recourse to those laws, to the extent to which they might enforce them; but he should call to the attention of their lordships, that, under all systems liable to abuse, it was in the power of a minority, by acting up to the extent of the authority and discretion vested in them, to spread wider the sphere of disturbance, and lay the foundation, as it had been laid in places heretofore peaceable, of irritation, discontent, and even of actual insurrection. While there was a minority who were thus inclined to administer the laws, although the majority consisted of more humane, considerate, and patriotic persons, who took a right view of the system as it operated on themselves, their flocks, and the best interests of their country, yet their lordships would see substantial grounds for taking the prayer of the petition into their serious consideration. The argument chiefly relied on in opposition to a practical measure, was, that the property to be commuted was sacred and inviolable. That it was sacred, as the possession of particular persons, independently of the object and duties to which it had been originally appropriated, he could never allow; but he was free to admit, that such property was sacred to the purposes of religion, to the moral instruction of the people, and to their happiness. He hoped, that such steps would be taken as would diminish, instead of increasing, the line of separation that an unwise system had drawn between the church and the people of Ireland.

Ordered to lie on the table.

Marriage Act Amendment Bill.] The Archbishop of *Canterbury* rose to move the second reading of this bill. The right reverend prelate observed, that the portion of the bill, which in that stage demanded their lordships' particular attention, was the clause relative to the voidability of marriages. By the old law, the marriages of minors, without consent, were declared void *ab initio;* but the committee, after due deliberation, thought it would be less objectionable to render such marriages voidable within a year. The provisions for the prevention of clandestine marriages, under the old law, were too severe to be brought into execution with effect, and improper advantage had been but too frequently taken of them. The committee, in endeavouring to repair the mischief, found themselves involved in great difficulties, among which they had to make their option. They had no course but either to make the consent of parents or their representatives unnecessary, and thus, on a most important occasion take away the protection of the law from the exercise of the parental office; or to restore the nullity clause of the 26th Geo. 2nd, by which the marriage of a minor without consent might be at any subsequent and indefinite period set aside; or to adopt the mitigated course as shaped out in this bill; by which parents, or those who represented them, could within a year annul the unlawful marriage. This last mode he considered the least objectionable; though it was not altogether without objection. Those who opposed the voidability of marriages, went upon the principle, that those whom God had joined should not be separated by man; but it should be recollected, that marriages might be obtained in a manner that the laws of man would not allow, and therefore could not be approved of by the laws of God. The sacredness of marriages ought to be maintained; but its inviolability might be carried to an injurious extreme. Marriage was the foundation of civil society, and it was of the first importance that its engagements should have the combined protection of the law of the land, and the sanctions of religion.

Lord *Ellenborough* observed, that we were now under the old law, with the exception of that clause by which marriages, under certain circumstances, were declared void. We had been two or three months under that law without suffering any inconvenience; and he hoped the House would bear that in mind when considering the change introduced by this bill. This bill was not that full and comprehensive measure which the House had reason to expect, from the promises held out by its most reverend and learned promoters. It contained little more than the last bill, and left several points untouched, on which it was of the greatest moment that no doubt should exist. The validity of all marriages in foreign countries ought to be cleared up, and subjects residing abroad should be able to ascertain the precise situation in which they stood in this respect, without the necessity of an application to a court of justice. It would be recollected, that a petition had been presented relative to this subject from the Russia company, when a learned lord had declared that he had no doubt of the validity of such marriages. Doubts, however, were entertained by the parties themselves, and they ought to be removed by positive enactment. Facilities on this important point ought to be afforded to Dissenters, and to Roman Catholics. In Ireland, when both the parties were Catholics, the marriage was valid if performed according to the rites of that church; but Catholics coming to this country might not think of having recourse to the formalities made necessary here, and the marriage might in consequence be invalid, and was not this an encouragement to immorality? With regard to the marriages of minors, as the law stood now, it operated differently on the rich and the poor; for where there was no property to render the invalidation an object, the most incestuous marriages might now be tolerated. He thought that, in order to equalize the law and maintain the principle consistently, such marriages should be declared null and void *ab initio*. With respect to the clause to which the right reverend prelate had called the attention of the House, it seemed to be the general feeling of the country, that marriages by banns should remain in the same state as they now stood and had stood for many years back. The clause of voidability was in fact nugatory. But, if they were as anxious to respect parental rights as the right rev. prelate would have them, they should respect them in the father of the woman as well as of the man. But this clause did no such thing: it operated in favour of the man and against the woman. It did all that could be done to encourage seduction under the semblance of marriage. Instead of being introduced by the right rev. prelate and a learned lord, it would seem as if it were the production of a set of dissolute minors, who were desirous of legislating according to the morals professed by the theatrical libertine Don Juan.

The Earl of *Westmorland* opposed the clause, as an infringement on the religion, the morals, and the laws of the country, as well as on the rights of property.

The Bishop of *Chester* opposed the clause, as being directly contrary to the word of God. It was not a clause fit to be enacted by a Christian legislature. At all events, he would not be one to give his vote for putting asunder those whom God had joined.

The Bishop of *Derry* was anxious that it should not go forth to the public, that incestuous marriages could be legitimate under any circumstances. If a man should marry his daughter, or any descendant of her's, the progeny of that marriage must be illegitimate, the marriage itself being void *ab initio*.

Lord *Ellenborough* said, he would not be positive as to the correctness of his observation, but he would rather have the exposition of the law from a learned lord, than from the reverend prelate.

The *Lord Chancellor* said, they had been told the present was not a proper time to discuss the measure; therefore, though he had been appealed to, he would only say, that he was clearly of opinion, that the law of scripture, as well as the law of the land, should be a good deal more considered than it appeared to him they had yet been.

The bill was then read a second time.

HOUSE OF COMMONS,

Tuesday, May 27.

SMALL DEBTS RECOVERY COMMIT-

TEE.] Lord *Althorp* brought up the Report of the Select Committee on the subject of the Recovery of Small Debts. He wished, he said, to be allowed to take up a few minutes of the time of the House in stating what the substance of that report was; for, from the number of letters which he had received from all parts of the country on the subject, it was evident that a great and general anxiety prevailed respecting it. Nor was it at all a matter of surprise to him that the question should excite so much public interest; seeing that the present state of the law amounted to nothing less than an absolute denial of justice to almost all the creditors in the country with regard to debts due to them under the value of 15*l.* No man to whom a sum under 15*l.* was due, would now think of attempting to recover it, unless he was actuated by motives of a vindictive nature. No regard to his interest alone would induce him to commence legal proceedings. That being the case, it certainly was very natural that a great anxiety should prevail to see such a state of things set right, if possible. One great evil attending it, where no cheap court existed, was, that in such places tradesmen frequently turned away their servants without notice, and without paying them any wages, and that the latter had no means of recovering what was due to them, but by an action at common law. The consequence of all this was, that the legislature had, at various times, established what were called Courts of Requests in various parts of the country; the members of which, who were principally tradesmen, were made judges both of the law and of the fact. Although courts of this nature were very suitable to towns and to populous parts of the country, they were by no means applicable to agricultural districts. It was impossible, in such districts, to find persons of sufficient leisure and respectability to constitute those courts. And if such courts were formed in the populous districts only, the object of them would be easily defeated; as a person going from one district to another could not be followed by the court. The committee, therefore, felt that to recommend the establishment of a greater number of these courts of request would be to no purpose. But the point to which the attention of the committee had consequently been drawn, was the expediency of establishing regular county courts in such a manner, and on such a footing, as to enable a creditor to have a cheap recovery by a proceeding in them. At present, those courts were open to two objections. For a debt of the smallest, the proceedings were as voluminous as for a debt of the largest amount; and the same means also existed of interposing vexatious delays in the conduct of the suit. There was also the objection of the probable distance of witnesses from the place at which they would be called upon to give their testimony in support of the claim. To obviate these objections it became necessary, that the proceedings in the county courts, should be simplified. To effect this, the committee recommended, that the proceeding should be by a simple bill of plaint, by which alone the creditor, under the circumstances which he had described, should be enabled to recover. To obviate the objection arising from distance, the committee recommended that the court should sit at such different places in the county as might appear to the justices of the session to be the most proper and convenient. By this means, the expense of travelling, the loss of time, and other inconveniences would be, in a great measure, got rid of. This plan, it was hoped, would render the county courts cheap; but as it also became necessary to render them courts of justice, it was expedient to make some alteration in their constitution. As at present constituted, the deputies of the sheriff were made the judges of the law and the fact. It was intended that a barrister of some years standing should be made assessor to the sheriff, and should preside in those courts. The committee had then to consider, in whom the appointment of those assessors should be vested. On the best consideration which they had been able to give to the subject, it appeared to them that it ought to be vested in the lord lieutenant of the county. If it were vested in the Crown, it would so greatly increase the influence of the Crown, that he should be sorry indeed to recommend any such measure. Nor did he know any better mode of appointment than that which the committee had suggested. If the appointment were vested in the hands of the justices of the peace at the quarter sessions, the number of individuals would too much diminish the responsibility that ought to attach to such a right.—Another part of the subject to which the committee had found it necessary to direct their attention; was the way in which the assessors were to be paid. If by fees, there was great danger lest the judge should huddle over cases with too much rapidity; if by the number of days of sitting, the opposite danger was incurred; namely, that he would delay the completion of every case as long as possible. It had been thought much the best plan, therefore, to pay the assessor a fixed salary, out of the county rate, to which a fund arising from certain small fees, to be paid by the suitors in these county courts, might furnish sufficient means for that purpose, with little or no additional burthen to the population at large. He believed he had stated the general points to which the attention of the committee had been called.—There were one or two other subjects connected with the question, on which he begged to say a few words. As by the means thus recommended, a cheaper mode of recovering debts would be furnished to the tradesman than that which he at present possessed, it was not too much to expect from him in return, that he should use more diligence in collecting and suing for them. It was proposed, therefore, that a statute of limitation should be passed, the term of which should be two years; that no action should be maintained in these county courts on any cause of more than two years standing. He knew it might be said, that this provision would occasion considerable alarm. But why should it do so? When a tradesman allowed his customer more than two years' credit, it was either because he could not get at him, to which case it was not intended that the statute of limitation should be applicable, or because he confided in him, in which case he would never proceed by law at all.—There was another point on which he was well aware there would be some difference of opinion. It would be said, that as a great quantity of business would be taken out of the courts of Westminster-hall, compensation would be required. To any such proposition he was decidedly adverse. Convinced as he was, that the present state of the law was an absolute denial of justice, he could never allow, that any man had a vested right in the denial of justice. Nothing would induce him to propose any such compensation: but, as a practical man, he knew very well that he might be forced to adopt such a proposition. On this, however, he was determined, that he would bring up the bill without any provision for compensation, and that he would do his best to resist the introduction of any such provision. It was not his intention to endeavour to pass the bill in the present session. All that he meant to propose was, that it should be read a first and second time, go through the committee, for the purpose of having the blanks filled up, be printed, and then stand over until the next session.

Mr. *Scarlett* said, he could give no information to the House, with respect to any call for compensation, in consequence of this bill. He thought the general principle of the measure was good. His noble friend had had the goodness to communicate to him the general principle of the bill, and he, at present, certainly saw no material objection to it. So far as the measure had been explained to him, it appeared calculated to produce great public benefit. Ordered to be printed.

COMBINATION OF WORKMEN BILL.] Mr. *Littleton* presented a petition from the Coal and Iron masters of Dudley, against a bill brought in by the hon. member for Coventry to repeal the different acts relating to the Combination of Workmen, and for settling disputes between Masters and Journeymen. He gave credit to the hon. gentleman for his motives; but it was a measure full of minute and vexatious regulations, which no man connected with the manufacturing districts could possibly approve of. The hon. member for Coventry talked of the advantages which would accrue from referring his bill to a committee above stairs. It was unquestionably desirable that the whole subject, and not such a bill as the hon. member had concocted, should be referred to the consideration of a select committee, to decide what portion of them it might appear necessary to repeal, and what part of them the interest of the manufacturers required to be preserved. Before that committee, all parties should be heard. The hon. member might perhaps say, that the bill would go through a committee in the regular course: but it was a different thing to submit the bill to a committee composed of gentlemen whose experience, whose habits, and whose abilities, rendered them peculiarly fit to decide on it, and to lay it before a committee in the ordinary course of business, merely to consider its details. He now gave the hon. member notice, that whenever he moved the second reading of the bill, he should move, as an amendment, "that it be read that day six months." He wished to know whether the hon. member had any objection to postponing the measure for a few days?

Mr. *P. Moore* was glad the hon. gentleman had stated his objections to the bill, because, from the moment he had brought it in, he had endeavoured to provoke the most extended inquiry. Although the bill had been printed five weeks, he had not asked the opinion of any hon. member with respect to it; neither did he intend to do so for some time to come. As to a further postponement of the measure, he had no objection to that course, if it were necessary for the purpose of procuring information. He begged leave to ask, from whom the petitions against the bill came? They came from the master-manufacturers, who were opposed to those classes for whose security he wished to provide; namely, the operative workmen. When the hon. member came forward with his hundreds who petitioned against the bill, he must be allowed to point to his millions who were in favour of it. The master manufacturers had infinitely more trouble, under the existing law, than they could possibly have under that which he proposed. He believed that nineteen-twentieths of the poor-rates were occasioned by the pinchings which the rich manufacturers inflicted on the wages of their workmen. If the operative manufacturers were properly paid, the products of agriculture and of the loom would prosper, and there would be little or no poor-rates at all. If one farthing a day were added to the wages of the 5,000,000 of the manufacturers who were employed in this country, it would amount to a total of 2,040,000*l.* annually. For his own part, he was certain this bill would do much good. He cared not whether gentlemen in office or out of office carried it into effect, so that it was adopted. The chief objects of his bill were, first, to repeal several obsolete laws. The judges themselves had condemned many of these laws; and, if he even stopped at that point, the bill would be beneficial. It next provided for the hiring and paying of workmen; and it provided also for the regulation of wages. The power of the regulation was, by the bill, taken out of the magistrates' hands, and left with the parties themselves; who, under particular circumstances, were to have recourse to reference. The bill had cost him much time, trouble, and expense; and he trusted his exertions would not be thrown away. If, when it went to the committee up stairs, he could not convince the hon. member for Staffordshire, that its principle was a good one, he would give it up. But he would never give up the fact that he (Mr. Peter Moore) was the person who had brought forward such a measure.

Mr. *S. Wortley* thought the hon. member for Coventry deserved the thanks of the country for having brought the subject under the notice of parliament. Certainly some alteration was necessary in these laws; and he believed the Combination act, whenever it had been appealed to, had constantly recoiled on the masters; therefore the sooner it was got rid of the better. He should have felt much more inclination to vote for the present bill, if it had only gone to the repeal of existing laws; but it went a great deal further, as it contained many new provisions which ought to be seriously considered before the bill was passed.

Lord *Stanley* intreated the hon. member for Coventry not to press on this bill. In his opinion, it ought to go to a committee above stairs, there to be thoroughly examined, and then stand over until next session; which would give the manufacturing districts an opportunity of understanding all the provisions which it was intended to propose. It would be a hazardous thing to do away at one sweep with forty-four statutes, without much previous consideration and inquiry. He had read the bill, but he had not read the pamphlet which the hon. member for Coventry had disseminated with it.

Mr. *Huskisson* was bound in justice to say, that the hon. member for Coventry had acted in a manner quite consistent with the course which he had stated, at the commencement of the session, it was his intention to pursue. The hon. member had then said, that he would introduce the bill, and afterwards leave it to a committee up stairs. He concurred with others in thinking, that the House was under an obligation to the hon. member for agitating this subject, and bringing it under the notice of the House. He had, it appeared, drawn up a kind of history of the minute, absurd, ridiculous and mischievous regulations, which had, from time to time, been introduced into the Statute book on the subject of interference between the master and the workman. But he must say, that to attempt to remove all the regulations which were contained in forty-four acts of parliament—to correct, at one sweep, a system full of complication and annoyance—was next to impossible. In fact, the hon. member had himself added to the complication of the system. In endeavouring to rectify it, he had fallen into the very error which he deprecated; for his bill contained regulations so minute, so inapplicable to existing circumstances, and, in many instances, so impossible to be carried into effect, that instead of having forty-four acts of parliament to deal with, some of which had fallen into disuse, it would be found that this one bill was enough to control, embarrass, and perplex the regulations of any trade or manufacture. He wished every circulation to be given to the bill, and to the still more valuable information, which, he understood, accompanied it; but he thought it would be necessary to pause before they agreed to so extensive a measure. The hon. member for Staffordshire had, he perceived, the pamphlet in his hand; but where it was to be procured he (Mr. H.) did not know. He hoped the hon. member would not press the bill this session; but would let the mass of information he had collected go forth to the country, that the minds of those who were interested in the measure might be directed to the subject. The country was much obliged to him for the information he had collected; since he had, it seemed, in comparatively few pages given the history of so many acts of parliament. If the hon. member acceded to this proposition, he might, in the early part of next session, move for a committee, by whom the whole subject might be investigated.

Mr. *Dugdale* said, the hon. member for Coventry had asserted that his measure was generally approved of. Now, he also had received communications on the subject, and from them it appeared that those who would be affected by the measure were much alarmed at it.

Mr. *P. Moore* said, he knew the value of the communications which the hon. member had received better than the hon. gentleman himself did. His correspondents told the hon. gentleman the truth, but not the whole truth. He was ready to stake his life, his name, and his character, that if the bill were adopted it would afford the greatest possible relief to the country. As to postponing the second reading, he hoped the hon. member for Staffordshire would allow him until to-morrow to consider of the expediency of doing so.

Mr. *Littleton* said, he had no objection to the immortality which the hon. member for Coventry promised himself, in consequence of his bill and pamphlet. For the benefit of those gentlemen who did not know where to find the latter, he begged to state that it was on sale at No. 24, Bridge-street, Westminster.

Mr. *Philips* said, his objection to the bill was, that it contained a number of restrictions between workmen and employers which would be injurious to both parties. The regulations were not applicable to existing circumstances, and would produce an effect exactly the reverse of that which the hon. member for Coventry intended.

Ordered to lie on the table.

FELO DE SE BILL.] Mr. *Lennard* said, that he had little to say in introducing his motion for leave to bring in a bill "To alter and amend the Laws relating to the Interment of the Remains of Persons *felo de se*," as he understood no opposition was intended to be made to it. As the law now stood, a person *felo de se* was deprived of the rites of burial, and exposed to the indignity of having a stake driven through his body. The infliction of this odious and disgusting ceremony was not, he believed, enjoined by any written enactment, but by an old custom. By the canon law, three classes of persons were deprived of Christian burial; these were, persons who had been guilty of *felo de se*, excommunicated persons, and those who had not received baptism. It was only in the case of *felo de se* that he wished to interfere, to abolish the practice of running a stake through the body, &c.; for he meant to leave the burial to be performed in private wherever it might be thought proper.

Leave was given to bring in the bill.

SHERIFF OF DUBLIN—INQUIRY INTO HIS CONDUCT.] The House having again resolved itself into a committee to inquire into the conduct of the Sheriff of Dublin, sir Robert Heron in the chair,

The right hon. *William Conyngham Plunkett*, a member of the House; was examined in his place

By Mr. *Calcraft.*—Is it the practice for the law officers of the Crown, in Ireland, to order magistrates to commit in any particular form?—I never heard of such a practice, and I should suppose no such practice can exist.

In the case of Forbes, did the law officers of the Crown order major Sirr to commit capitally?—Certainly not; the law officers of the Crown gave their opinion to the magistrates that it would be right to commit capitally, but I am sure that in that case no order, or anything equivalent to an order, was given by them to the magistrates. It is a judicial act on the part of the magistrate; he must exercise his own discretion, and rest upon his own responsibility; I conceive it would be a great violation of duty in him to relinquish his own judgment to that of any other person; and I conceive it would be a very improper thing, on the part of any other person to give him a direction.

Are you to be understood, that the law officers of the Crown merely expressed their opinion upon the evidence?—Merely so.

Would you think a magistrate acted properly in committing on the opinion of the law officers of the Crown, on evidence taken before them, without himself examining that evidence and having it regularly sworn and reduced into the form of informations before him?—I should think that he acted very irregularly and improperly in so doing.

Did major Sirr state any opinion contrary to that of the law officers of the Crown, or against the capital commitment?—I never heard that he did, unless at the bar here (if he did so then); I never had the slightest intimation that he at all differed in opinion from the law officers of the Crown.

By Col. *Barry*.—Were several minutes of examinations, or informations, taken in the absence of the magistrates, before the law officers of the Crown?—There were several examinations taken in the absence of the magistrates; after the witnesses had been sworn, in several instances the magistrates were absent during the procedure of the examinations.

Have you any recollection of the magistrates having been desired to withdraw?—I do not recollect that being the case.

One of the magistrates has stated, that he swore the witness and then withdrew; was it the practice that the witness was introduced into the room with the law officers of the Crown and sworn by the magistrate; that the magistrate then withdrew; that then the witness was examined, and a memorandum made of his deposition, and that before those depositions were sent to the magistrate, the magistrate was called upon to commit?—That statement involves a great number of particulars; I do not know whether the right hon. member means to put that as a question.

Mr. Graves, in his evidence, states, "I was desired to swear a witness; I did swear the witness, and then withdrew, and the notes of the examinations were then taken: they did not take the shape of an information sworn before a magistrate, but several days before the commission, and the bills being sent up to the grand jury, they were sent down to us, and we were desired to bring the persons before us, and to swear them to them, they being put into the shape of informations, and to bind them over to appear on the trial, which we did;" then in another answer, he says, "when these notes of informations came before the magistrates to swear, we had of course the witness before us; we interrogated him again; he swore to the informations, and, in many instances, in doing so, he altered the notes of examinations, as before taken; in several instances he altered them considerably. It never was proposed to us to swear those informations at all until subsequently to the committals, when we had the witnesses before us, and when we were directed to have the witnesses before us in the first instance." When the committals were made, were all the informations that were taken in the absence of the magistrates laid before the magistrates?—From the answer which has been read to me, as given by Mr. Graves, it should seem that they were not; but the answer given by Mr. Graves is the first intimation of that fact I have received, to the best of my recollection.

You were understood, in reply to a question before put, to have said, that there were no orders given to the magistrates; were the magistrates advised by the law officers of the Crown to commit the prisoners capitally?—According to my recollection, I expressed to major Sirr, who was the only magistrate with whom I had any communication upon the subject of the committals, my opinion, and that of the law officers of the Crown, that the committal should be for a conspiracy to murder. It is necessary I should explain a former answer, to which the right hon. member has alluded, referring to the circumstance of the depositions being taken from the witnesses after the magistrates had withdrawn; I think it necessary to mention that that happened in some instances, in others the magistrate was present; in many others the informations were regularly taken before the magistrate. In the instances in which the examination was pursued in the absence of a magistrate, that was an examination conducted, as I consider, for the purpose of giving information to the law officers of the Crown, in order to enable them to form their opinion as to the circumstances of the case, and the mode of prosecution, but certainly was not intended by them as the depositions upon which the magistrate was to act when he came to commit. I conceive that it was the duty of the magistrate, before he committed, to examine those depositions, to have them reduced to the regular form of informations, and to have a security taken from the parties who made them, to prosecute. In the case of the two committals for the capital charge, which were made by Mr. Gabbett, I believe that was done; in the case of the committal made by major Sirr, I now learn that that was not done; but I conceive that the doing that was the business of major Sirr, and a matter in which I had no kind of concern.

What was the use of filling up the notes of informations afterwards, if that examination was only intended for the purpose of giving information to the law officers of the Crown?—I cannot say what was major Sirr's object in doing it, after he had made out the committal; it could be neither a justification for the committal, nor could it answer any good purpose, but that was done without any communication with me; I had no communication with major Sirr, but one in which I gave him my opinion as to the nature of the offence.

Were the magistrates desired to remain in the room during the examination of the witnesses, or did they withdraw?—I have no recollection of their being desired to withdraw, nor have I a recollection of their being desired to remain; I cannot tax my memory upon the subject.

Did major Sirr represent to you at that time, that he did not think the charge made out as for a capital offence?—Never; at that or at any time.

By Mr. *Bright.*—Are you aware that George Graham was at any time committed only for a misdemeanor?—I rather believe so; I think that appears by the committals which are on the table.

Are you aware, that George Graham, as appears by the committals, was afterwards committed for conspiring with divers other persons to kill and murder his excellency Richard marquis Wellesley?—I believe he was, by Mr. Gabbett.

Are you aware, that both those committals were by Mr. Gabbett?—I think so.

The first committal was on the 15th of Dec. 1822, and the second on the 23d Dec. 1822; had you had any communication with respect to the committal of George Graham, with Mr. Gabbett in that interval?—It may be so; but I have no distinct recollection on the subject.

Can you inform the committee, how it happened that that second committal was made?—My recollection is not so distinct as to enable me to state, but I think it appears from Mr. Gabbett's evidence, that the opinion of the law officers of the Crown was given, that those persons should be capitally committed.

Did you as one of the law officers of the Crown give that opinion?—I did as a law officer of the Crown, give that opinion as to those three persons; I do not recollect communicating it to Mr. Gabbett personally.

Do you recollect what passed with major Sirr upon the subject of those committals?—No, I cannot distinctly trace it; I think major Sirr came into the secretary's room at the castle, the solicitor-general, Mr. Townsend, Mr. Goulburn, and myself, being present, on the Saturday evening, the committals were not made out until the Monday, I think; on the Saturday evening about five or six o'clock, he came, and that at that time the opinion was communicated to him; I cannot tax my memory, whether on the Monday following I saw major Sirr, or not, but I have a strong recollection that on the Saturday evening that opinion was communicated to him.

Did you see major Sirr more than once in those proceedings?—If I were to speak in my own recollection I should say only once, but I have been talking to Mr. Goulburn, who says, I saw him twice in his presence; my recollection is only negative, and Mr. Goulburn's is positive, therefore I think his is right.

You were understood to say, that the opinion of the law officers of the Crown was communicated to major Sirr upon a particular day, from which an inference is drawn that a previous conversation had taken place, is that inference correct, or was the whole one transaction?—What I mean to say is, that on the Saturday evening the opinion was communicated to major Sirr, and I believe by me; I believe also by the solicitor-general, but what conversation passed I cannot say.

Had any consultation taken place between the law officers of the Crown, in respect of any opinion to be given to major Sirr?—Conversation took place between the law officers of the Crown upon the opinion to be given; but whether it was with reference to its being given to major Sirr, or to any other magistrate, I cannot particularly say. I believe major Sirr happened to be the person to whom it was communicated, because he resided in the castle, and was therefore on the spot.

Had major Sirr applied for the opinion of the law officers of the Crown upon the subject?—I understood that the magistrates had applied to government on the subject of the mode in which they were to act; I do not recollect major Sirr personally having applied.

Did the magistrates at the same time that they applied to government, lay before the government the informations they had received?—I am not competent to say; according to the best of my recollection, the informations that had been taken before the police magistrates, were communicated to the law officers of the Crown.

Were there any other informations in the possession of the law officers of the Crown, that were not in the possession of the magistrates?—None but those that have been already alluded to, if they can be said not to have been communicated.

Was the opinion given by the law officers of the Crown, given upon those informations which were in the possession of the magistrates as well as upon those informations of which you have spoken, and which probably were not in their possession?—The opinions of the law officers of the Crown were founded upon the whole of the evidence, as well as the informations taken before the magistrates, as the evidence laid before them in the way already stated, in the absence of the magistrates.

Did you inform the magistrates with whom you communicated, that you advised them upon more information than they themselves possessed?—I certainly did not communicate it to them in terms; but major Sirr was perfectly aware of those examinations; he himself was present at some of them; he had sworn the witnesses in others; and there was no holding back any part of the information we possessed; and I considered that major Sirr was entitled to have access to the whole of it, and would have access to the whole of it before he signed his committal; in compliance with my advice, as the whole of the evidence before us was in the hands of the Crown solicitor, I considered that he would, acting with proper discretion, inform himself of the whole of the case, and have it regularly reduced to the shape of informations, as was done by Mr. Gabbett; for in the case in which Mr. Gabbett committed, the evidence on which he acted was reduced to the form of informations, and the parties were bound over to prosecute in the usual way.

Was the opinion of the law officers of the Crown as communicated to the magistrates, entirely an opinion upon law, or an opinion upon their discretion?—The opinion that was communicated to the magistrates, was on the point of law, that we thought the evidence in point of law would warrant a committal for a capital offence.

Are you aware that Forbes had been held to bail on the night of the riot?—I am not quite sure at this moment whether he was held to bail; he was apprehended on the night of the riot by Mr. Graves; I believe he was discharged on that night; I am not quite sure whether bail had been given.

Are you aware that he was committed for feloniously conspiring to kill and murder the marquis Wellesley, on the 23d Dec. 1822?—Yes; that was the final committal.

Were any instructions given to the magistrates, with respect to that committal?—No direction; no instruction further than the giving the opinion I have already stated.

Was that opinion founded upon the evidence that was given at the trial by Mr. Troy and Mr. Farley?—I do not think I ought to answer any question as to what were the particular informations on which I gave my opinion, I am in the judgment of the committee whether I ought to answer that or not, I have personally no objection.

Were there any evidences examined upon that subject, at the trial of Handwich, Forbes and others, for the conspiracy?—Upon what subject.

With respect to Forbes?—Oh! yes; a great many witnesses were examined; a report of the trial was published.

Is that copy of the trial tolerably authentic?—Indeed I should think so.

Was Mr. Farley, the attorney, examined upon that occasion?—Yes.

Was Mr. Troy examined upon that occasion?—Yes.

Were there any other witnesses examined upon that occasion to the point of what happened after the play?—I believe there were; but really I submit to the honourable member, whether it is of any use examining me to those points, which will appear upon the printed report of the trial.

Will you permit the committee to assume, that this report is sufficiently accurate to reason upon at a future time?—I have no power to give such a permission; I have already said, I believe it to be a very fair report of the trial.

Were the prisoners tried on both indictments at the same time?—They were not indictments, they were informations; they were given in charge on both the informations at the same time; I should mention with respect to that, that the practice in this country and in Ireland is different; the custom in the courts in this country, is to include in the same information offences, which we in Ireland include in distinct informations, the consequence is, that the practice in the two countries is different; here parties, I believe, are not permitted to be charged at the same time on separate informations, but that is because they are really distinct offences; but in Ireland, where they split into two informations, offences of one and the same nature which are in fact one, they do allow the parties to be charged with the two informations at one and the same time.

By Mr. *Bennet*.—Do not the magistrates under the police, hold their offices at the pleasure of the Crown?—I believe some of them do, and some of them do not; some are appointed by the Crown, some by the city; I believe major Sirr does not hold at the pleasure of the Crown, but under the city.

Does Mr. Graves?—Mr. Graves I believe does, but major Sirr, the magistrate who committed Forbes, I believe does not.

Is Mr. Gabbett removable by the Crown?—Mr. Gabbett, I believe, is removable at the pleasure of the Crown.

Major Sirr's is a patent place is it?—No, I believe not. I believe under the police act, there are city magistrates and persons named by the Crown, and that those police magistrates who are appointed by the city, cannot be removed by the Crown.

By Colonel *Barry*.—You have said that you believe all the informations were before Mr. Gabbett previous to his making out his committal?—I rather believe so.

Mr. Gabbett was asked, "Had you been left to your own discretion would you have committed for the capital offence?" to which he replied, "It is impossible for me to answer directly that question otherwise than thus, that I certainly, if it had been left entirely to myself, should have required the whole of the informations to be laid before me to exercise my judgment upon them?"—It certainly would appear from that, that the whole had not been—my impression was, that the whole had been—that impression was created partly by my having looked at a brief, which by accident is here, and now in my possession, in which the dates of informations taken before

Mr. Gabbett are stated, and by which it appears that Mr. Gabbett had all the informations reduced to regular form before the day of committal, that answer would make it appear as if he had not. I have not seen Mr. Gabbett's evidence since he gave it.

Were the examinations which were taken by the law officers of the Crown in the absence of the magistrates, sworn before the same magistrates?—I cannot be certain of that; I should think they were sworn before more than one magistrate; I think different magistrates came in, from time to time, as they happened to be on the spot; the taking of the examinations continued for six or seven days; whatever magistrate happened to be on the spot when a witness was examined swore the witness.

Is it the practice of the Crown officers in Ireland, to have witnesses sworn before any magistrates who may accidentally be present, those magistrates not afterwards taking cognizance of the case?—I cannot say that it is; but in this case the whole of the matter was before the police magistrates, and no magistrate who was not a police magistrate swore any witness.

In the case of Mr. Gabbett, were those examinations which you state were reduced into regular informations, re-sworn?—I should rather think so; I can only speak as to conjecture and belief; for I had no share whatever in the reducing them into informations, and know nothing upon the subject.

In point of fact, did the magistrates reduce the examinations taken before the law officers of the Crown into the regular form of informations?—On my knowledge I can say nothing upon the subject; it was the business of the magistrates; it was their duty, with which I had no concern; they exposed themselves to the action of the party if they committed him without a regular information, and the party was entitled to be discharged by a judge, if he was committed without a regular information; I should take for granted that the magistrates, who are experienced persons, would do that which was right; what they did I have learned principally in the course of the present investigation.

By Sir *J. Newport.*—Have you ever had any application from any country magistrates for your opinion, as to the committals of parties or the amount of bail which they should take?—I have had applications at times from magistrates in the country, in cases where I had no acquaintance with the transaction, but where they applied to me merely as attorney-general, and my uniform answer has been, that I did not feel it my duty to interfere, and I declined giving any advice.

Did you learn from those who made those applications, or the manner in which they were made, whether it had been the former practice to make applications of that nature?—I should rather decline answering that question; I think I ought not to answer it.

Did you give any opinion as to the amount in which those persons whose case is now under inquiry, should be bailed?—Certainly not.

Or the refusal of bail?—I gave an opinion which implied a refusal of any bail; if it was a capital charge, of course, there could be no bail taken, unless before a judge.

The question refers to the time subsequent to the abandonment of the capital charge; the capital charge was abandoned at the commission; after that was abandoned, did you give any opinion as to the amount of bail to be demanded from Forbes?—No, I did not; I have a distinct recollection that the bail given for Forbes was on his own offer; he stated that he would give bail to the amount of 1,000*l.* which I certainly should never have thought of requiring, nor I never mentioned the sum; it was taken by the judge.

Did you consider, from the manner in which those applications which have been referred to were made to you from the country, with respect to advising on the amount of bail to be taken, or on the nature of the committal to be made by the magistrates, that they had been in the habit of making similar applications before?—There is one instance only to which I could give any answer, and it really is not material to the present inquiry. A magistrate in the country had apprehended a person for an offence which in its nature was not bailable, and he wrote to me to know whether I would give him authority to let out the party without bail. I certainly declined giving any opinion upon the subject, stating that it was not a duty that belonged to me.

It appears that some of these parties were first committed for a minor offence, and were afterwards committed for the capital offence?—Two of them.

Was there any information received in the interim between the two committals, on which the capital committal was founded?—I consider that there must have been; the capital committal did not take place until the 23rd, I think, of December; the examinations had been closed on the 21st of December; and I think material information had been received in the course of that last day's examination, which went to affect not only Forbes, but the two other persons who were capitally committed.

By Colonel *Barry.*—Are you certain that you are correct as to the magistrates not being removable at the pleasure of the Crown?—I perceive the answer I gave to a former question has been in error; the magistrates named by the city are, I am informed, removable at the pleasure of the Crown.

Were any of the prisoners against whom bills of indictment were preferred, and ignored by the grand jury afterwards, held to bail to answer an information to be filed by the attorney-general?—They were held to bail by the court for that purpose.

By Mr. *T. Ellis.*—Do you feel that the attorney-general of Ireland has a right to call on any person to enter into bail, to answer an information to be preferred at a future period?—The short answer to that is, that it was not my act, but the act of the court and on the offer of the party.

Did any other of the parties, except Forbes, make that offer?—I believe they all did.

In point of fact, were any of the defendants kept in prison for two days after the ignoring of the bills, in consequence of not being able to get bail?—I do not know that fact.

Do you feel, as attorney-general, that you had a right to call on the defendants to find bail to answer to an information which was not then filed?—That is a question of law which it is not necessary to answer, as it was the act of the court, and on their own offer.

Do you know whether any of those parties who were committed on the capital charge, made any application to a judge in order to obtain their release?—I never heard that they did; I believe it would have been competent to any of them to make such an application; and if there was no information, or an insufficient information, they must have been discharged.

Was it at your suggestion, or that of any of the law officers of the Crown, that those persons were held to bail by the court?—The parties came in, not waiting for the end of the commission, and they applied to be forthwith discharged. I got up for the purpose of saying, that they were not then entitled to be discharged without giving bail; after I made that observation, they made an application to be discharged on giving bail; and it was quite unnecessary to enter into any argument upon the amount; the bail was fixed between them and the court: that (it should be observed) was an application before the termination of the commission; had it been at the termination of the commission, that would have altered the case.

The examination of Mr. Plunkett being concluded,

Colonel *Barry* said, that being aware of the inconvenience that would result from the prolongation of the inquiry, perceiving too the dislike of the House to go on with it, and feeling that the case of the high sheriff was so strong that it needed no further evidence to support it, was willing to decline calling any more witnesses. He was convinced that the result of the inquiry was to clear the high sheriff from any charge of improper conduct.

Mr. *Denman* said, that as he knew it was the opinion of some honourable members that it would be necessary to submit certain resolutions founded on the evidence which had been given at the bar, it was of importance it should be understood, that the further prosecution of the inquiry had been abandoned, not because the House was unwilling to proceed with it, but because the right hon. member for Cavanshire, in the exercise of his discretion, with regard to the interests committed to his care, thought it unnecessary that it should be continued. He hoped it would be recollected, that the House had made no compromise with the right hon. member.

Mr. Calcraft then moved, that the chairman do lay before the House the minutes of evidence. The minutes were accordingly presented, ordered to lie on the table and to be printed, and the witnesses discharged from attendance.

Mr. Secretary *Peel* said, he did not know whether he was regular or no, but he could not refrain from taking that opportunity of expressing, what he believed to be also the universal feeling of the House, his sense of the impartiality and ability with which the hon. baronet (sir R. Heron) had filled the chair, during the inquiry which had just concluded [Hear, hear!].

IRISH JOINT TENANCY BILL.] Mr. *Dominick Browne*, in rising to move the committal of this bill, admitted that the task lay upon him to prove Joint Tenancy injurious, though it was notoriously so, as the object of the bill was to discourage that tenure.—The system of joint tenancy was, he said, very ancient in Ireland, and very fit perhaps to protect clans of husbandmen against wild beasts, or more barbarous clans of hunting savages, but totally unfit for people emerged from a primitive state of society, living under fixed laws and institutions in an integral part of the British empire. Under this system, from ten to five hundred acres were let to from two tenants to one hundred jointly; every one of whom was responsible for the rent of all the rest, as well as his own. They held the land in common, making a new division of the arable every year or two. The pasture was always undivided. They generally paid a rack-rent, and after they had built their huts without mortar, chimney, or window, all swore to 40*s.* profit on registering their freeholds arising from a joint lease for one or more lives. The uniform results of this system were, the naked squalid beggary of the whole—extreme indolence, the necessary consequence of the industrious paying for the idle and profligate—each tenant tried merely to preserve his existence and that of his family. Any effort at improvement was out of the question. Their life was reduced to that of brutes: amongst themselves there was constant disunion and petty litigation; against all others, there was continual union for every bad purpose. They resisted the ordinary process of law together, they distilled illegally; they fought together against other clans at fairs and markets. Sedition and disease spread like wildfire among them. They were at once in a state of savage licentiousness and abject slavery to their landlords. Being all bound for each other, he could at any moment ruin any one though worth far more than his own proportion of rent, by distraining him for the rent of all the joint-tenants. In short the landlord had every power over them, save that of life and death. He could strip any one of his whole property, including his miserable food. Even where joint-tenants were in the best circumstances, much of their time was lost in watching the proper application of their common funds. They all attended whenever money was to be received or paid for the general account. This system contributed more than any thing else, to the multiplying of a beggarly population. From persons never valuing a common right like an individual one, joint-tenants readily admitted into their partnership all their sons and frequently their sons-in-law. Under such circumstances, was it extraordinary that the greater part of them could hardly get a sufficiency of potatoes to keep them from starving? He knew many instances of this kind. In one case, he knew of a large farm let to sixteen joint-tenants in 1784: in 1817 they had increased to 59.—It would be asked, if this system was so injurious, why did not the interests of tenants and landlords abolish it without legislative interference? The reason was simply this—it afforded a great facility of giving qualifications to dependent freeholders. Under this system, the whole male population of a property was registered as freeholders. This in itself was one of its greatest vices. By it, the whole people were demoralized by constant perjury. The bill removed this bounty on joint-tenancy, and placed it the other way on separate tenures.—It had been objected to this bill, that it would disfranchise many freeholders. He would reply to this, that it had no retrospective effect. It would certainly prevent freeholders being created by new joint leases. That it would check fictitious freeholds he would admit; but the number of *bonâ fide* voters would be increased: and they would be infinitely less dependent, as the landlord could have no further power over them, than the demand for the rent of each tenant, for which alone he could be responsible.

Mr. *R. Martin* opposed the bill, the object of which is to prevent joint-tenants, in Ireland, from voting for freeholds in which they had severally less than a 40*s.* interest, on the ground, that it would deprive the Catholics, who were the mass of the small freeholders and joint-tenants, of the influence which they at present enjoyed.

Colonel *Trench* thought the principle of the bill most excellent. One of the great evils of Ireland was the splitting the land into so many small divisions for the purpose of creating votes. The great number of electors, which was a blessing in this country, was a curse in Ireland; for it only exposed the peasantry, in many large districts, to bribery and corruption, to drunkenness and to every kind of disorder. His only objection to the bill would be, that it did not go far enough. He wished for the introduction of a clause by which leases in common might be entirely put an end to.

Sir *J. Newport* fully concurred in the opinion of the hon. member who spoke last. Nothing had brought greater misery upon Ireland than the subdivision of land among such a multitude of tenants.

After a few words from Mr. L. White, which were inaudible in the gallery,

Mr. *T. Ellis* expressed his concurrence in the principle of the bill. He mentioned an instance in which a farm of the value of 15*l.* was subdivided among 40 tenants, all of whom voted as freeholders.

Mr. *J. Daly* denied that the measure would have the effect of diminishing the number of Catholic voters, and pointed out the evils arising from the system of joint-tenancy in Ireland.

Mr. *Hutchinson* said, that nothing could be further from his intention than countenancing the system of fictitious voters in Ireland. He would go as far as any member to prevent such an abuse; but he must object to the bringing on of such a question in the then thin state of the House, where there were not more than a dozen Irish members present. The measure embraced a principle calculated to excite great discontent in Ireland. He should have no objection to the bill going into the committee. There let his hon. friend make it as perfect as he could; but after that, he would wish it to remain over till the next session, to give the several counties of Ireland an opportunity of considering it in all its bearings.

Sir *G. Hill* approved of the bill, but the suggestion of the hon. member for Cork was so fair, that he could not but concur with it.

Mr. *Grattan* did not think that the bill went to disqualify any part of the Roman Catholics, but to establish the system of election by *bonâ fide* freeholders.

Mr. *R. Martin* said, that if the hon. member did not intend to press the bill this session, he would not object to going into the committee; but if he did intend to press it, he would divide the House.

The question being put, "That the Speaker do now leave the chair," the House divided: Ayes 54; Noes None. Teller, Mr. R. Martin.

The House then went into the committee.

HOUSE OF COMMONS.

Wednesday, May 28.

Special Juries—Petition of Mr. John Hunt.] Mr. *Hume* said he held in his hand a petition which he deemed of great importance, and to which he called the most serious attention of the House. He should first state the contents of the petition, and next comment upon the allegations it contained. The petition was as follows:—

"To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in parliament assembled,

"The humble petition of John Hunt, of Old Bond-street, publisher—

"Showeth,—That your petitioner was, in 1821, prosecuted on an ex-officio information by his majesty's attorney-general, for a libel in the weekly newspaper called the "Examiner," of which he is proprietor; and that previously to the trial he attended on summons, when the master of the Crown-office nominated the forty-eight jurors out of which the panel to try the case was to be formed. That your petitioner has also recently been indicted by the self-styled "Constitutional Association," for publishing an alleged libel on the late king, in a poem entitled the "Vision of Judgment;" and that he attended a similar nomination of the Crown-office on the 15th day of the present month. That on both these occasions the master has insisted on selecting out of a book containing the names of many thousand freeholders and leaseholders of the county of Middlesex, such names only as he chose, proceeding on no understood plan, but picking out or passing over the names, entirely at his own will and pleasure.

"That the master declared it was the constant practice of his office to nominate from among those persons alone to whose names the designation of "Esquire" was affixed in the freeholders' book by the petty constables who make the returns to the sheriff. Your petitioner conceives this practice to be in the highest degree unjust and illegal; because all the freeholders and leaseholders are by law equally eligible to serve on special juries, yet by this arbitrary and absurd distinction the immense majority are excluded from the exercise of a great constitutional right, and the discharge of an important civil duty. Your petitioner could enlarge on the unauthorised, uncertain, and ignorant manner in which the title of "Esquire" is lavished by the district officer, and could state numerous instances within his own immediate knowledge, wherein the persons so styled have been retail tradesmen actually carrying on business; but he forbears to fatigue your honourable House with a detail which he trusts is not required, in order to convince your honourable House that nothing can be more unjust or ridiculous, than that the designation of Esquire, arbitrarily fixed by a subordinate district officer to the names of a small minority of the freeholders, should be held to give them an exclusive privilege to discharge the duty of special jurors, to the practical disfranchisement of the great majority of those whom the law has declared eligible.

"Your petitioner has further to complain, that the mode of nomination practised by the master is still more objectionable than this unjust exclusion, and in effect totally deprives the subject of all security for obtaining an impartial jury. A person holding the situation of master will naturally have a bias towards the Crown, and is obviously not a proper person to have the absolute selection of the jurors in any cause between the Crown and the subject. The law had however intended, as it appears to your petitioner, that though the master should be the instrument of nomination, the jurors should be taken in such a manner as to get rid of the exercise of any discretion on the part of the master, and consequently to remove from him both the temptation and the power to be partial or corrupt. There are various ways by which this object could be secured, as by a ballot (a plan adopted by the wisdom of your honourable House in regard to your election committees), or by some rule of chance on the principle of the ballot. Your petitioner strenuously urged the master to adopt some plan of this description; but though that officer admitted that he had done so on former occasions, and that his present mode enabled him, were he so disposed, to select unfairly, he persisted in the arbitrary way stated of choosing the 48 names. Your petitioner protested against the proceeding as calculated to afford scope to the greatest partiality and corruption—as manifestly counteracting the intention of the law—and as inevitably exciting the strongest suspicion in the mind of the subject, without producing a single countervailing advantage to the administration of justice. But your petitioner's protest having proved ineffectual with the master, and your petitioner having observed that the Court of King's-bench refused lately even to hear a complaint against this mode of selection, he has no resource but to appeal to your honourable House.

"Your petitioner also begs leave to assure your honourable House, that he conscientiously believes, from the peculiar description of the persons nominated in four Crown cases in which he was concerned as defendant, that he has suffered grievous wrong and injury by the abuse of the power to select juries which this practice puts into the hands of the master.—Your petitioner therefore prays your honourable House to institute an immediate inquiry into the practice he complains of, and to adopt some remedy for an evil which, whether considered as offering temptation and affording scope for the grossest corruption, or as exciting a violent suspicion of the administration of justice in the minds of his majesty's subjects, is one of deep and pressing importance both to the government and the people. And your petitioner will ever pray, &c. John Hunt."

Mr. *Hume* said, that the second paragraph in this petition contained a statement which affected the trial by jury; for if the master of the Crown-office had the power to select, there was at once an end to the security of an impartial jury, that best bulwark of public rights. He would contend that this mode of selecting special juries, as they were called, was liable to the greatest abuse. It was open to undue influence, to unfair bias, and it tended to destroy that right to have an impartial and fairly selected jury, which Englishmen boasted. The petitioner made no complaint against the present master of the Crown-office, who was a gentleman of excellent character, and one who would, no doubt, act fairly in the discharge of his duty; but, who could answer for his successor? Who could answer that such a power would not be abused? He knew that the situation was a patent one, and held for life. But this gentleman had also, during pleasure, a situation producing 1,500*l.* a-year in the Auditor's department, and who could say that the public had adequate security against such a man being tampered with? In the year 1817, a committee of the common council was deputed to inquire into the state of the city of London special jury-book, and the result of that inquiry was the formation of a new book, and the redress of several abuses. When on a former occasion this subject had been brought before the court of King's-bench, affidavits, *pro* and *con*, were filed; and the master of the Crown-office avowed his right to nominate the jury. Mr. Justice Bayley, in remarking upon the practice, said, that the master had, by law, the power of selection, and if to select were to be understood to pack, then he had the right of packing. He (Mr. Hume) protested against such an interpretation of the law; he denied that any officer could, or ought to have the power of picking or packing a jury. It was contrary to the spirit and intention of the constitution, and a direct infringement of the law. If such a power could be exercised, why had they been sitting for the last three weeks in a committee of inquiry upon the conduct of the sheriff of Dublin? Was not the charge against him, one of packing a jury? It was quite impossible to suppose that the master of the Crown-office was ignorant of the general politics of most of the names in the book in his possession. If he (Mr. Hume) had the care of it, he could not help acquiring such knowledge, and he presumed the master of the Crown-office must know what any other man in the same situation could not fail to possess. It would be better to abolish the trial by jury altogether, and leave the matter to be decided on the responsibility of a single man, than to have twelve men picked out under influence and bias. In this way, the master of the Crown-office exercised, or might exercise, a power which neither the king nor parliament had ever possessed or exercised. So pregnant with dangerous consequences did he deem this practice, that if no fitter person undertook the task, he would move for an inquiry into the subject.

Mr. *Philips* repelled the insinuations of the hon. gentleman as disadvantageous to the character of the master of the Crown-office [Cries of "No, no!"]. Did not the hon. gentleman say, that the master of the Crown-office must be more than man, if he were not occasionally biased in his conduct by other considerations than the strict discharge of his duty? Was not that a most unworthy insinuation? It was a supposition directly at variance with the tenour of that honourable individual's life. In the first place, as one proof of the inaccuracy of the hon. member's information, the emoluments of the situation to which the hon. member had referred were only 1,000*l.* and not 1,500*l.* a-year. Was a man who, out of motives of delicacy (by which not one person out of a hundred would have allowed himself to be influenced) had liberally sacrificed 5,000*l.* or 6,000*l.*, and a pension of 500*l.*, to be considered incapable of doing justice, because he happened to have another employment of 1,000*l.* a-year? Of this he was sure, that if the emoluments of all the places held by all the members of his majesty's administration were offered to the respectable individual in question, he could not be induced to pack a jury, or do any other unworthy act. The practice, as he was informed, in the Crown-office was this: the master called for the jury-book, opened it at random, and selected sometimes three in a page, and at other times one of the names, which had the designation of "merchant" added to them. The master knew nothing of ninety-nine out of every hundred of these names, except that they were described as being merchants. The master would be glad to avail himself of any suggestion which could make the nomination of the juries more satisfactory. In the case which had been alluded to, in the court of King's-bench, the master did not take the name of the person where his pen fell, because he saw the description "rag-merchant" superadded; and he preferred another on the supposition of its being more respectable, because the term "merchant" alone was annexed to it. He repeated that no man was freer from a shadow of imputation than Mr. Lushington. The hon. gentleman had, also, alluded to the inquiry that had taken place in that House into the conduct of the sheriff of Dublin. Now, there was no analogy between the two offices. The sheriff lived among the parties, and knew them all. The master of the Crown-office was wholly unacquainted with them. He did not know one person in a hundred of those, whose names were in the book of special jurors.

Mr. *M. A. Taylor* said, that his hon. friend had not the slightest intention, when he adverted to this inconvenient mode of striking a jury, to cast any imputation upon the present master, than whom there could not be a more respectable man, or one better adapted to fill his situation with credit and honour. His object was to show the existence of a practice liable, in worse hands than the present master, to be most dangerously abused. He knew nothing of the facts connected with the petitioner's case, or of his prosecution by the Constitutional Association, which was an absurd and improper confederacy; but he had heard complaints reiterated against this mode of striking juries. There ought to be an inquiry into the practice, for the purpose of having it altered; and this was the best time to institute it, when the office was worthily filled. No possible harm could result from an inquiry; and it was most desirable that the special, like the petty juries, should be drawn out of a box indifferently, although even then it should be ascertained that the names were impartially placed in the box.

Mr. *Creevey* said, he had had a long acquaintance with Mr. Lushington, who was a most honourable man, and one who might be said to have a chivalrous disregard of private interest. But he had admitted, that if he pleased he might select the jury. It was time, therefore, that a practice not abused by him, but liable to the greatest abuse hereafter, should be regulated. His hon. friend had not cast the slightest reproach upon Mr. Lushington.

Mr. *Philips* explained, that he understood the tendency of the hon. member's statement was to cast something like a reflection upon the master.

Mr. *Bennet* said, that although the character of the present master justified all that had been said with respect to him, it afforded no argument in favour of the system. For, although the present master was not guilty of any violation of his duty, did it follow that his predecessors never had been, or that his successors never would be so? Such a power was always liable to abuse. At every assize in the country, the greatest abuses took place in the constitution of special juries; for he believed that private interest, and even open canvas, went a great way in the construction of those juries. He held in his hand a report of a committee of the common council of London, in 1817. It stated, that out of 485 names, out of which all the special jurors were selected for the city of London, 126 were not householders in the city, and therefore, by law not qualified to serve; of the remaining 259, 80 were householders, who, in the modern sense of the term, were termed merchants, while 171 were tradesmen. In a case of libel, too, it appeared, that the solicitor for the Treasury had written to a person in the Secondaries'-office, respecting the nomination of the jury. In his opinion, it had been clearly made out that the master had the power of packing a jury if he pleased. That was a system which was opposed to common sense and justice, and ought not to be permitted to continue.

The *Attorney General* said, he collected from what the hon. member who presented the petition had stated, that the petitioner made no complaint with respect to the conduct of the master of the Crown-office as regarded the particular case of the petitioner, but merely against the general mode of nominating special juries. It was not, as he understood, pretended, that the petitioner supposed that any hardship would result to him from the conduct of the master. If the hon. member should think proper to bring the general question under the consideration of the House, he would give it all the attention which it deserved. He did not, however, hesitate to state, that, in his opinion, no alteration which the hon. member might propose to introduce could improve the present system of nominating special juries. The hon. member had declared, that the present mode of nominating special juries was of recent date. That was not the fact. The present practice had existed for centuries; nor could he conceive a more impartial mode of selection than was pursued under it. He challenged the hon. member to mention a case in which the Crown had been concerned, in which any improper interference had taken place on behalf of the prosecution, with respect to the nomination of the jury; and he was convinced, that if it had been attempted, the master of the Crown-office would have indignantly spurned it.

Mr. *Bright* said, he considered the present case to be one which powerfully called for inquiry. It rested on its own merits; no charge was made against any individual officer or juror. The attorney-general had said, that the system had existed in its present state for a century. Now, it so happened, that for more than forty years the abuses of the system had been loudly complained of. So long ago as the year 1777, Mr. Horne Tooke had given a description of the mode of selecting special juries. The observations of that gentleman were so remarkable, that he would read them to the House:—"The Master began, but as I looked over the book, I desired him to inform me how I should know, whether he did take the first forty-eight special jurymen that came, or not; and what mark or description or qualification there was in the book, to distinguish a special from a common juryman? He told me, to my great surprise, that there was no rule by which he took them. Why then how can I judge? You must go by some method. What is your method? At last the method was this: that when he came to a man a woollen-draper, silversmith, a merchant (if merchant was opposite to his name), of course he was a special juryman; but a woollen-draper, silversmith, &c. he said that there were persons who were working-men of those trades, and there were others in a situation of life fit to be taken. How then did he distinguish? No otherwise than this: if he personally knew them to be men in reputable circumstances, he said, he took them; if he did not know them, he passed them by. Now, gentlemen, what follows from this? But this is not all. The sheriff's officer stands by, the solicitor of the Treasury, his clerk, and so forth; and whilst the names are taken, if a name which they do not like occurs and turns up, the sheriff's officer says, 'O, Sir, he is dead.' The defendant, who cannot know all the names in that book, does not desire a dead man for his juryman. 'Sir, that man has retired.' 'That man does not live any longer where he did.' 'Sir, that man is too old.' 'Sir, this man has failed, and become a bankrupt.' 'Sir, this man will not attend.' 'O (it is said very reasonably), let us have men that will attend, otherwise the purpose of a special jury is defeated.' It seemed very extraordinary to me, I wrote down the names, and two of them which the officer objected to I saved. I begged him not to kill men thus without remorse, as they have done in America, merely because he understood them to be friends to liberty; that it was very true, we shall see them alive again next week and happy; but let them be alive to this cause. The first name I took notice of was Mr. Sainsbury, a tobacconist on Ludgate-hill. The sheriff's officer said he had been dead seven months. That struck me. I am a snuff-taker, and buy my snuff at his shop; therefore I knew Mr. Sainsbury was not so long dead. I asked him strictly if he was sure Mr. Sainsbury was dead, and how long he had been dead? 'Six or seven months.' Why, I read his name to-day; he must then be dead within a day or two; for I saw in the newspapers that Mr. Sainsbury was appointed by the city of London one of the committee (it happened to be the very same day) to receive the toll of the Thames navigation: and as the city of London does not often appoint dead men for these purposes, I concluded that the sheriff's officer was mistaken; and Mr. Sainsbury was permitted to be put down amongst you gentlemen, appointed for this special jury. Another gentleman was a Mr. Territ. The book said he lived in Puddle-dock. The sheriff's officer said "that gentleman was retired; he was gone into the country; he did not live in town.' It is true, he does (as I am told) frequently go into the country (for I inquired). His name was likewise admitted, with some struggle. Now what followed. This dead man, and this retired man were both struck out by the solicitor of the Treasury; the very men whom the sheriff's officer had killed and sent into the country were struck out, and not admitted to be of the jury. Now, gentlemen, what does that look like? There were many other names of men that were dead, and had retired, which were left out."—Such was the language of Mr. Tooke in 1777.* It might be a reason with the attorney-general for continuing the abuse, merely because of its antiquity, but if it had existed for a long time, it should be also recollected that it had been for a long time complained of. It was enough for that House to know, that the system was complained of. The course of justice should not only be pure, but its purity should be unsuspected. Englishmen should be enabled to go out of a court of justice, strongly persuaded that their cause had been fairly heard. It was notorious that the special juries in the city of London were not only composed of the same class of men, but of the same individuals, term after term. He would ask the solicitor-general whether he did not expect to see the same faces in the jury-box at Guildhall, in the approaching term, which he had been accustomed to behold during many of the preceding terms? The juries in the court of Exchequer had a very bad reputation. That circumstance alone was a sufficient ground for the institution of an inquiry by that House. He believed, if the panels for the court of Exchequer for the last six years were returned to the House, that the same names would be found upon all of them.

Mr. *Hobhouse* considered it extremely improper, that any person, having the selection of juries in his power, should hold an office which was dependent on the Crown. The hon. and learned attorney had challenged any member to point out a case in which the government had interfered to procure the selection of a jury. He certainly could not mention any case in which it had been proved that the government had been guilty of such disgraceful conduct, but he apprehended that it would not be difficult to prove, that government had sent particular cases to be tried before juries, who they thought would probably convict the defendant. He would wish the attorney-general to declare upon his honour, whether government had not sent his honourable colleague, sir Francis Burdett, to be tried in Leicester, because it was thought that the jury there were more likely to return a verdict of guilty than a London jury? Now, that the question respecting the nomination of special juries had been mooted in that House, the country would expect something to be done. It was absurd to say that the master of the Crown-office did not select the jury. The attorney-general had contended, that it was impossible to discover a better mode of nomination than the one now in practice. In his (Mr. H's.) opinion, the drawing the names by ballot was a much more impartial mode. He could not conceive what objection there could be made to a selection by ballot. The system of ballot was certainly that which was least liable to objection. He was obliged to dissent from what the learned attorney had stated, with respect to the antiquity of special juries, at least in cases of libel. The learned attorney was wrong when he stated that the petitioner complained of no damage to himself. The petitioner did complain. He complained that his chances of acquittal was diminished by the mode in which special juries were nominated. It was the imperfect system and the abuses it generated that were complained of, and that demanded inquiry. The case could not be in better hands than in those of his hon. friend the member for Aberdeen, and he should have his most zealous support.

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* See Howell's State Trials, Vol. 20. p. 691.

Mr. *J. Williams* said, that however respectable the master of the Crown-office might be, his character was no answer to the case which had been made out for inquiry. The complaint was against the system; and so long as that system continued uncorrected, no fair trial could be had in a case where the Crown was a party on the one hand, and an obnoxious individual on the other. If no one else took up the subject, he would call the attention of the House to it.

Mr. *Hume* adverted to the improper manner in which juries were appointed in the court of Exchequer. He had found upon inquiry, that individuals actually obtained their whole income from the pay which they received for serving as jurors in that court. He understood that if a juror should venture to give a verdict against the Crown, he would never again be summoned.

Ordered to lie on the table.

Mr. Hume next presented a petition from J. W. Trust, bookseller, on the same subject, and gave notice, that early next session he would move to alter the law and practice with respect to the nomination of special juries.

BRITISH ROMAN CATHOLICS TESTS REGULATION BILL.] Lord *Nugent* rose and said:—Sir; the object of the bill that I move for leave to bring in, is to equalize the laws affecting the Roman Catholics, by placing those of Great Britain in the same situation with respect to civil rights and franchises as those of Ireland. I wish, in the discussion of it, to separate it as widely as possible from what is called the question of Catholic Claims. There are, no doubt, many topics in common between the two questions; some of these topics, I should be disposed to say, are in my opinion, not among the least strong by which this measure might be supported. But these, for many reasons, I wish to avoid. In order to narrow the question, and to place my will upon its own simple and more obvious, and, perhaps to some persons, less questionable grounds. At the same time, Sir, I would not for the world be misunderstood. I would not, even if I had the power so to deceive the House, be insincere enough to disavow the spirit in which I offer to you the proposition with which I shall conclude, nor attempt to disguise from the House, that I do it under the influence of the self-same motives which have always influenced me in the support of that great measure. Nay, further; if I could for one moment bring myself to believe that the discussion of this question could in any, the remotest degree, prejudice or interfere with that great object, believing that object as I do to be essential, not less to the interests and honour of England, than to the last hopes of peace and happiness for Ireland, I would, with whatever regret, abandon for the present, and should feel myself justified in abandoning, those far lesser benefits which I now seek for the Catholics of Great Britain. Sir, I should do the British Catholics the greatest wrong if I did not say that I know that in this feeling with regard to Ireland, I am seconded, I am anticipated by them. I must, in justice to them, I had almost said in justice to myself, make this farther declaration. What I now propose to you, I propose, not only not at their instance, but without even having consulted their sentiments or wishes upon it. I have carefully, I have painfully abstained from communicating with them upon it, because I know their high and honourable feeling; because I know that, feeling as they do, how strong are their claims to a full and undistinguishing share of all the common law privileges of all other British subjects, they would disdain (with whatever deference they submit themselves to your judgment), they would disdain to petition for any act, like this, of incomplete and restricted toleration. It would be arrogance in me to say how warmly I concur with them in this feeling, but I was anxious that at least the House should not by any fault of mine, misunderstand them on this point. What I urge, however, not on their prayer, I urge on your wisdom, your sympathy, and your justice. If I should fail, and it would be affectation in me to say, that I expect or believe I can fail, in this my plea on their behalf, the failure would be mine alone. It would be the failure of the weakest advocate in the strongest, and, as I hope to show, the most unanswerable case. If I succeed, the benefit will be theirs, the benefit and the honour will belong to you of having cancelled one unjust and unreasonable law which now divides the people of this land.

There are grounds peculiar to this measure, and to these I shall most strictly confine myself. None of them conflicting with the interests of the Catholic question; none of them interfering with the grounds on which that great question may hereafter be debated, or with those on which it has been generally opposed. Before I gave my notice, I ascertained by the declarations of the attorney-general for Ireland that, for this session at least, that question had been abandoned by him. For one, I can never despair of its ultimate success, nor can I ever cease to cling to that object with eager and sanguine hope. But the considerations which might otherwise have induced me to pause, are now removed. I shall, therefore, advert to it no more, but apply myself to the special object which I now take the liberty of submitting to you.

By the act of 1793 in Ireland, it is well known to the House, that certain privileges were restored to the Catholics of that country. Why was that act passed? It is important, with reference to this question, to keep that act in view. It was passed, because the last of what were called the penal laws had been repealed, and the anomaly of those disqualifying laws that remained, had become too evident and too gross. The inheritance of property had been secured to the Roman Catholics, under the protection of the law. It was felt that, under the British constitution, representation was an inalienable attribute of property. That property was the basis of representation. It was felt, that where property was unrepresented, the best safeguard which the constitution provides for private and public interests is wanting. The right of election then followed in England, I contend, as a consequence upon the right of property, [and it is on this ground I wish to place the argument now. But the early acts of relief towards the Roman Catholics of Ireland were passed under singular circumstances. From the year 1777 to the year 1782, the empire was in a situation of great danger and difficulty. The disasters of the American war—war with almost the whole continent of Europe, and the prevalent spirit of emigration to America, had made it expedient to conciliate the Catholics of Ireland by an act, however tardy, of justice and humanity. In 1782, the famous convention of Dungannon produced fresh concessions to Ireland; and, in 1793, the French Revolutionary war, and the apprehended influence of French Revolutionary principles, produced fresh measures of conciliation. Sir; why do I mention these things? not to reproach the parliament of that country with unworthy motives; not to lessen the sense of the benefits themselves; I mention them only to show, that the benefits I now claim at your hands for the British Catholics were, with reference to the Irish Catholics judged to be, first of considerable value to them, and secondly to be unaccompanied by any possible danger to the state. The very motives under which they were granted show at least that they were considered of some importance in the estimation of those for whose benefit they were intended. For they were granted as a peace-offering to that country, at a time when the object was, above all, to unite the interests and strengthen the moral resources of the empire. And, that they were not considered as in any way dangerous to the Protestant ascendancy, we have a tolerable assurance in the recollection at what periods, and by whose hands those measures were perfected. But I mention them also to ask you this: Will you declare that the British Catholics of 1823, that their supposed objects, that their known dispositions, that their numerical force, are calculated to excite in your minds any reasonable apprehensions beyond what were felt towards the Irish Roman Catholics of from 1777 to 1793? Because this you must assert to justify the distinction now made in their dis-favour. Or will you say, I am sure you will not, that what was then granted to necessity and fear, you will now refuse to sympathy and justice?

Sir, the act of 1793 in Ireland, followed in the short space of 16 years, after the first relaxation of the penal code of proscription and death. A code under which the merely officiating at the worship of the Roman Catholic church was punishable with the gibbet. It is now 46 years since the first relaxation of that bloody code. Will you say that the experience of the last nearly half century, has furnished you with additional motives of jealousy against the British Catholics? For, short of this, short of your making out a case to show the undiminished and increasing necessity of these peculiar restrictions (and the onus probandi here rests on you, not them), short of your making out a case that would justify you in your own opinion, if these laws had never been enacted, in enacting them now for the first time, allow me to submit to the House that, in truth and in justice, my motion is gained.

In two very important respects the British Catholics are placed in a condition of much more lamentable degradation than any other natural-born subjects of the realm. They are debarred from the exercise of the elective franchise; they are debarred from qualifying to act in the king's commission of the peace. Sir, an act of naturalization would qualify an alien for these privileges. Nothing would qualify a natural-born Catholic Englishman. Nothing would qualify him, except indeed, an act of perjury. That would qualify him for any trust, and against that you have no security. Let us see for a moment how their case stands. Compare them with any others who are subject to disqualification by religious tests. Against the Protestant dissenter you have, it is true, the test and corporation acts. And I must say, that weak and tormentable monuments I must think them, of a spirit much too intolerant, and shown to be practically much too inconvenient to be brought into operation against so large and so powerful a body in the state, as the Protestant dissenters. Among the Protestant dissenters a very large proportion of the property, a very large proportion of the intelligence, and of the moral and political influence of the empire resides. And you cannot be unjust towards *them* up to the full measure of your laws. In their case, for all practical purposes, the exception has become the rule. The annual Indemnity bill has in effect become the law of the land. Well, even the Roman Catholics of Ireland—God forbid, that for one moment I should endeavour to underrate the severe and unjust restrictions, as I think them, under which the almost countless majority of that unhappy people are placed—but still they have admissibility to certain offices, they have the elective franchise, to remind them, in the intervals of the dark system which overshadows them, of the share, a very limited one indeed, of political existence which is doled out to them, a very sad and anomalous condition, I grant, theirs is—allowed to elect, but contrary to all constitutional analogy, forbidden under any circumstances to elect out of their own body. Allowed to elect only out of a body between whom and them, an impassable barrier is fixed by law. But the condition of the British Roman Catholics, how much more deplorable! From the privilege of the poorest freeholder who sends a representative to make laws, to the authority of the pettyest officer who administers them, from all the privileges which remind men that they are members of a free and popular government, they are hopelessly excluded. Hopelessly excluded, unless (and forbid it good faith, and forbid it that pure honour which glows in some of the noblest breasts in your country), unless they would purchase these privileges by perjury, or by what would, in them, be a base and an interested conformity to our privileged mode of worshiping God [Loud cheers!].

Sir, I said just now that the elective franchise, as exercised by the Irish, is a sad and an anomalous condition. I was aware when I said so, and when I was cheered by the hon. member for Corfe Castle, in a tone I fear of animadversion, that this admission on my part was considered by him as making against my argument. Am I then asked if I would extend this anomaly to England? Sir, the anomaly already exists in England; Catholics have already an influence at elections, far more effectual than that of a vote, of which you cannot deprive them. Not only the moral influence of character and station in recommending candidates, but the actual operative influence also of wealth to assist in the return of members. If there is any anomaly in the influence of Catholics over the return of Protestant members, of that influence in the present state of the representation you cannot deprive them. If there is any danger, from that danger you cannot escape. Unless you are prepared to retrace your steps along the gloomy paths of restriction and penalty, until you arrive again at the point from which your march has been directed during the whole course of the late king's reign, and unless, taking your stand once more upon the original vantage ground of penal law, you prohibit them once more from the inheritance or purchase of property. But then the Roman Catholics shall have no voice at elections. A papist shall not be allowed to meddle with a Protestant representation. But a Papist may be in a condition to return members upon his own direct nomination. A Papist may buy Old Sarum, and you cannot prevent him. You deprive him of his single vote! a valuable security! you only leave him all that greater power of which you cannot deprive him; you only leave him all the due and all the undue influence of property. You reject his single vote, and only leave him the power of bringing perhaps the whole of a numerous body of tenantry to vote in the very way in which this bill would enable him to use his single franchise. Sir, these seem monstrous contradictions. They are so. But they are not merely supposeable cases. I will mention a singular one of late occurrence. A case not of what is called direct nomination, but of the fair influence of property in recommending candidates at a popular election. In Worcestershire, and of late years too, both the members were recommended to the choice of that county by Roman Catholics. One of them, I may name him, a person, lately a member of the other House, whose death is matter of very recent grief to his family, the late lord Beauchamp. He sat in this House for Worcestershire for two parliaments, having on both occasions been put in nomination by a gentleman of large property, of great connexions, and of high respectability in the county, and a Roman Catholic. What was singular too, this Catholic gentleman was here putting in nomination a person who during the whole time he sat in parliament uniformly voted against the admission of the Catholics to parliament and to office. At the very same time lord Beauchamp's colleague, an hon. friend of mine, Mr. Lyttleton, his nomination, was seconded by another gentleman of large property, great connexions, and great respectability also and also a Roman Catholic. This gentleman to be sure had an advantage not enjoyed by the other gentleman of the same communion, that he was recommending a person whose votes in this House made a somewhat better return, at least to Catholic nomination. But, Sir, I mention these instances in order to ask the House with what feelings do we suppose that on these occasions these two Roman Catholic gentlemen left those hustings? Was it with the subdued and prostrate feelings of men aware that they were considered unworthy to interfere in any matters affecting the representation of their country? Oh no, Sir. Their rank and station, and political importance, had elevated them to the post which they had just left; and had enabled them to make a recommendation in the face of a great country of those persons whom they thought most fit to represent it in parliament. Their intelligence had enabled them to give effect to that recommendation, and their political integrity had been sufficiently recognized by those at least, the great majority of that county, with whom their several recommendations had prevailed. Separated in personal and political objects, these two gentlemen divided between them the concurrence of the county as to the propriety of the introduction, which Roman Catholics had given, and as to the propriety of Roman Catholics giving such an introduction. But here their privileges stopped. Here they were arrested in the discharge of their duties. And by what were they arrested? By a purely theological test! Here, then, is a case pure and unmixed of a merely doctrinal, dogmatical, disqualification, station, character, reputation; the concurrence of two opposite parties, divided in all other respects, had conceded to two Roman Catholics all the influence, they were only deprived of the means of their single vote by an insulting and wanton inquiry into matters of simply speculative belief in matters between God and themselves.

But, Sir, shall I be told that practically the votes of Catholics are often taken at elections, and no questions asked? I think I shall not be told so, at least not in opposition to my motion. I believe the fact is so, because in truth you cannot arrive at the means of detecting these spiritual tenets, except by a certain catechetical process, rather inconvenient, rather tedious in point of length to apply to each individual voter. If so, then, if you seldom enforce the disqualifying oath, pass this bill. You will grant the Catholics a real benefit; and, as far as the vote goes, the practice will not be materially altered. I say you will grant the Catholics a real benefit, because you will enable them to do by privilege what they now do by sufferance. And is there no real difference between privilege and sufferance? I think I shall not be told so in an assembly of gentlemen whose own feelings would not be slow in suggesting the distinction. I can easily conceive circumstances under which even positive rigid exclusion is less painful than sufferance. Because sufferance always implies what is the most humbling, the most cruel to a proud spirit. A feeling of undue obligation. Obligation perhaps to some puffed up petty officer, some little being of momentary attorney-like importance, whose very look of sufferance, of indulgence, of vulgar protection, is a keen insult from which I emplore the House to relieve a very deserving portion of your people, from which I implore the House to relieve the representatives of some of the first families in the land.

Sir, with regard to the officers for which this bill will permit the Roman Catholics to qualify, on this I will not long detain the House. My object will be to give them the means of qualifying for those offices only which could now be held by them in Ireland. And I pledge my word to the House that to that standard I shall conform myself most strictly. There are a few of the offices in Ireland not above two or three, I believe, to which they are there admissible, and which have no exact parallel in England. In these cases, I shall in no instance trust myself to vague analogy, nor attempt to render them admissible to any offices in England merely because they may be considered analogous to these. I should consider myself departing from the spirit of my bill, and from the engagement I have entered into with the House by the title under which my bill is moved to be brought in. In the enumeration of offices, to be barred to the Roman Catholics, my bill shall be an exact transcript of that of 1793 in Ireland. In some small particulars, therefore, not worth mentioning, and very few, the British Catholics will still remain one hair's breadth, one shade in point of privilege below those of Ireland. How far below all Protestant Dissenters, it is almost needless to point out. In practice they may sit in this and the other House, I know, under the precarious protection of an Indemnity bill; and I would fain see them claiming toleration upon a sounder and more liberal tenure. But the conditions of the Test act it is known are two-fold; the sacramental test, and the oath and declaration against Popery. By the letter of the act, and by the annual Indemnity bills, it should appear, that both of these are equally conditions subsequent to the taking office. Upon this I am sure that the ingenious and powerful argument of the secretary to the Admiralty, though of some years ago, in the year 1819, is still fresh in the memory of many persons in the House. But the truth is, that in practice, and in a practice which from its prevalence and duration has acquired almost the force of law, the oath of declaration against Popery, in the case of a magistrate qualifying, is made a condition previous. How far this practice is founded in law is scarcely worth inquiring, because I am sure the House would feel that above all, the office of a magistrate is one that ought not to be held upon sufferance only, or under circumstances of doubt. The magistrate, be it remembered, has power in many cases over the liberty and the property of others, and I am sure the House would feel that this power ought not to be held under circumstances of sufferance or doubt. But in practice the declaration against Popery is made a condition previous. From the sacramental test the Dissenter escapes by the Indemnity bill. The declaration against Popery catches the Catholick without the means of escape. The effect then is, that the Dissenter may pass through the evils of this act at pleasure, while the poor Papist is caught floundering, as it were, in the very first mesh.

Now, Sir, I know that there are, even in this House, persons who still believe the Test act to be one of the main props and bulwarks of the national church. To those persons it is doubtless matter of absolute duty to guard these sacred buttresses from demolition. Albeit these buttresses have been practically, and I think, most beneficially, removed from the edifice annually from 25th of March to 52th of March, for a period of about 96 years. I must respect the sincerity of these scruples, although I own I never could discover the grounds on which they rest. I have no wish however on this occasion, nor is it for the interest of the measure, I have at heart, looking at the probabilities of its success to attack the supposed security of a sacramental test. In looking to what is desirable one must limit one's views to what one may believe practicable. However objectionable, then, I think the Test act in point of principle, and I do not hesitate to say that I think it a blot, and a reproach upon the spirit of the country and the times, it is not my intention by this bill to interfere with the power of exclusion by the sacramental test. Allowing myself only to congratulate the country, for the sake of our immense *majority* of the people on a certain act which it has been the habit of the legislature, for now near a century, to pass, called the act of Indemnity. I propose to leave the British Catholics, as the Dissenters, are, liable to the sacramental test, to be relieved with them by an act, for the passing of which I trust we may feel some security in the annual wisdom of both Houses of parliament.

And now, Sir, only a few words, I have troubled you too long, of general remark. I would observe to those who are exclusively the friends of Ireland—I beg their pardons for the phrase—I mean those Irish members, whose first duties are towards their own much-injured and unhappy country, I would make one observation to them. This bill is in some respects, and I trust Ireland will feel it so, by reflection at least, a benefit even to the Catholics of that country. Their cause, though not necessarily connected, is by no means a necessarily separate one. The British Catholics have never separated their cause from that of Ireland, nor if they were ever disposed, which I trust and believe they never will, so to do, would I ever lend myself to be the humble means for making such an attempt. With regard to votes in respect of property which may be inherited or purchased by Irishmen in this country, their interests are equally affected by this bill. But I own, I avowed it at the outset of my statement, my views go a great deal further. I do not disguise them. I believe much may be gained to what is called the Catholic cause by an amalgamation of their habits and feelings with those of the Protestant population. It is a bill to unite in England Protestant and Catholic in certain functions in which by law they are now separated.—It is to place them side by side in situations and in duties where now by the acts in force they never can meet. And I own that I think that, without subjecting myself to the imputation of very visionary hopes, I may augur some benefit likely to arise hereafter to the Catholics, and under the best securities to the state, those of a community of feeling and interest, from such an union—to the British Catholics I augur from this bill great and solid benefits. And I think he must have been a bad observer of human nature who does not know that there are ingredients in the mind of man which make even these small privileges valuable. Sir, the idea of freedom is closely interwoven with that of privilege. If you redeem from bondage, give privilege. And though simply of not much apparent value, still, when combined, these privileges strengthen the great bond of society, and unite men in a community of habit and feeling. At a popular election a single vote may be very inconsiderable, looking to the event; but it is important, vastly important, to him who gives it. And above all the imputation of disfranchisement is a great and serious, and ought to be felt as a great and serious, grievance. Admissibility to the commission of the peace may, singly considered, be rather likely to impose a burthen of not very desirable duty, than to confer any very enviable privilege. But yet these things have their effect—they are ties which attach men to country, which, as Mr. Burke describes them, "though light as air are stronger than bonds of Iron?

Sir, the British Catholics have, for the greater part of a century, lain under a grievance of a singular and a monstrous sort—That the absence of all colourable pretence of alarm from them has thrown them entirely out of observation. The stream of parliamentary sympathy which from time to time has been suffered to flow in stinted measure, indeed, towards a people considerable in number, and whom other circumstances have forced upon our notice, has passed by the British Catholics, unrelieved, and almost unheeded. Even the innocent tranquillity of their demeanour, which should entitle them to our sympathy, even the absence of all shadow of danger, which gives them a claim imperative on our justice, even these have hitherto delayed inquiry into their separate case. It is high time that some light should be cast on them, and on the laws which still affect them. The existence of such a body has been barely recognized in our debates. The preposterous declaration of a former lord chancellor of Ireland, concerning the Roman Catholics of his own country, is become nearly true with respect to these—The lord chancellor Bowes declared from the bench in Ireland, and chief justice Robinson makes the same declaration, "that the law does not presume such a person to exist as"—what will the House believe? —"an Irish Roman Catholic."—"Founded" says the learned commentator, "upon a well-known fiction of law in Ireland, thus stated formerly by one of their best authorities, to be law, that all effective inhabitants of Ireland are to be presumed to be protestants, and that therefore the papists, their clergy, worship, &c. &c. are not to be supposed to exist, save for reprehension and penalty." [a laugh and hear!] Sir, it is in such a state that every Catholic in this island feels himself to be placed—of this they complain. And looking at their own condition they almost doubt themselves to be considered by you as your countrymen. The very feelings which compose the national spirit of Englishmen, and inspire it, are feelings which in them are endeavoured in every way by your laws to be oppressed and outraged. Oh, Sir, respect and cherish these feelings —we know not perhaps how mainly dependent upon them are all those sentiments which form the national character of which we sometimes make our boast, and all those affections which constitute that noble passion, love of country. As it is, we invert the maxim of ancient wisdom. To divide may be a means of subjugation, but never never let it be recommended as a system of government. The present law can tend only to unite by a community of grievance those whom as a political party we should disjoin in order to make them one with ourselves. We unite a sect, but we divide a people. I wish I could impress upon the House the truth of this doctrine. It was well expressed by bishop Hoadly, and he was no friend to popery, "I cannot justify" says he "the exclusion of a papist from civil office upon any ground but that of his open avowed enmity to civil government as now settled in this land."

Sir, I will now place this motion in your hands. Those who think that on the whole no charge of peculiar disloyalty against the British Catholics exists, to awaken your peculiar jealousy, or justify peculiar rigour, must feel the injustice of the law as it now stands, and vote for my motion. Those who think that wanton and capricious exclusion from any constitutional benefits whatever is an act of oppression, must feel that the law as it stands is oppressive and vote for my motion. Those who think that these exclusions are not in fact almost universally operative, and that those things are every day done by sufferance and practice which are here sought to be done by privilege, must feel that the law as it stands is inoperative and therefore absurd, and must vote for my motion. And allow me to repeat that, unless every gentleman who opposes me can now lay his hand on his heart and say that if these laws had never been enacted he would now be prepared to move their enactment, I must submit to the House that, in truth and in justice, my motion is gained. The noble lord concluded, amidst loud cheers, with moving, "That leave be given to bring in a bill for regulating the administration of Tests and Qualifications for the exercise or enjoyment of Offices and Franchises."

Mr. *Stuart Wortley* seconded the motion, and said, that when he considered the character of the body to whom this motion related, the noble blood which flowed in their veins, their well-known respectability, and their loyalty, he thought a very strong case indeed should be made out to prevent them from enjoying the same privileges as were possessed by their fellow-subjects of the same persuasion in Ireland.

Mr. *Wetherell* entered into certain explanations relative to the principles of this bill, reserving to a future stage of the discussion those objections which he might have to its details. He maintained that it would place the Catholics of England higher in point of privilege than those of Ireland, as there was no test and corporation act in Ireland. He contended that property, as property, did not confer the elective franchise, and, after adverting to the prevalence of the practice of splitting freeholds in Ireland, he expressed his opinion, that because the elective franchise had been given to Catholics in Ireland, it formed no ground for communicating the same privilege to those in England.

Mr. *G. Bankes* said, that if this measure had been proposed to the House in consequence of a petition from the great body of the English Roman Catholics, he should have considered the petition of such a body entitled to great attention; but it appeared to be a mere project of the noble lord himself, who hardly knew whether it would be considered as a boon or not. The admission of English Roman Catholics to the magistracy might, under due limitations, be desirable; but he could not give his consent to extending the elective franchise to that body.

Mr. Secretary *Peel* said, he had, on a former occasion, expressed himself not unwilling to consent to a measure for taking into consideration the propriety of placing the Roman Catholics of England on the same footing as those of Ireland. Consistently with that declaration, therefore, he felt himself bound to admit the first proposition of the noble lord for leave to bring in the bill. He made this concession, not merely in consistence with that declaration, but because he felt it to be reasonable that the measure should at least be fairly considered. The noble lord had adverted to three points, in which the Roman Catholics of England stood in a different situation from those of Ireland; the elective franchise, the magistracy, and admission to office. With regard to the elective franchise, he allowed at once that he was willing to admit the English Catholic to that privilege. He had always considered the distinction taken by Mr. Burke between the elective franchise and admission to office, as sound and judicious. In a speech on the subject of the Catholic claims, Mr. Burke said, that if the Roman Catholics were admitted to the right of voting for members of parliament, it did not necessarily follow that they should be admitted to office. He must observe, that the noble lord would find some difficulty in placing the Roman Catholics of England and Scotland on the same footing, because by the act of Union the Roman Catholics of Scotland could not exercise the elective franchise. He was disposed, after mature consideration, to admit the Roman Catholics of England to the same privileges with regard to voting, as the Roman Catholics of Ireland; but he should strenuously resist their being themselves elected. In this respect they would stand in the same situation as the clergy, who were qualified to elect, though they were disqualified from sitting in that House. The right hon. gentleman proceeded to advert to the abuses of the elective franchise in Ireland, where the system of fictitious voting conferred no advantage whatever on the wretched individuals who were brought forward solely for the purpose of supporting the political influence of their landlords. It must be admitted, that the state of England was so entirely different from that of Ireland that if the granting of the elective franchise in Ireland had, in some respects, been attended with mischievous consequences, the same danger could not fairly be inferred in England, where the minority of Catholics was notoriously so small. With regard to the magistracy, he agreed with his hon. friend, the member who spoke last, that it might be advisable that Roman Catholics should be associated with Protestants in the exercise of magisterial duties. On the question of admission to offices he begged leave to reserve himself. He should not object to making English Roman Catholics eligible to the same subordinate offices to which Irish Roman Catholics were admissible, provided they were placed in no better situation than Protestant Dissenters. If it were the object of the noble lord to open the same offices to them as to the Catholics of Ireland, subjecting them, in the same manner as Protestant Dissenters, to the operation of the annual Indemnity act, he should not object to such a measure. If it introduced no new principle which might furnish an argument for further concession to the Roman Catholics of Ireland—if it introduced no relaxation of the Corporation and Test acts, or alteration of the existing law with regard to Protestant Dissenters—he should be disposed to accede to it. All these points involved details which would properly come under consideration in a future stage of the bill. He intirely concurred in the observations which had fallen from the noble lord, as to the great respectability of the Roman Catholics of England, and it was this consideration which induced him to feel so strong a disposition to make concessions in their favour.

Mr. *Hudson Gurney* said, he certainly should vote for the measure proposed by the noble lord. At the same time, he could not avoid saying, that the only motion he had ever heard which had common sense for its basis, relative to the Catholics, since he had had the honour of a seat in parliament, was one made by general Thornton, which nobody at the time supported; namely, so to alter the wording of the Oath of Supremacy, that a Pro-Protestant might take it without disgrace, and a Catholic without reviling the religion of his fathers. It would be perfectly easy to retain all that gave imagined security against foreign assumption of powers within these realms, without placing the point of honour, as well as that of religion, between the Catholic and the possibility of his conforming—and thus at once to get rid of the perpetual repetition of irritating and unprofitable discussions; whilst, in the lapse of a very few years, the Catholic question would be no more thought of.

Mr. *H. Bankes* felt himself bound, in fairness to the noble lord, to state how far he could agree with him. The elective franchise ought, in his opinion, never to have been granted to the Catholics of Ireland, and he could never consent to grant it to the Roman Catholics of England. He could never consent to admit persons differing so essentially in opinions, effecting the vital interests of the constitution, to any share of political power. It should be recollected that that most injudicious measure, which admitted the Catholics of Ireland to the elective franchise, was passed in a parliament entirely Irish. To the subdivision of freeholds, and the system of fictitious voting, much of the present misery of Ireland was to be attributed. The measure of the noble lord went too far; for it would, in effect, lead to the repeal of those bulwarks of the constitution, the Corporation and Test acts. If the admission of the Roman Catholics of England to the magistracy could be effected, without interfering with the great principles to which he had adverted, it might be a desirable measure.

Mr. *W. Smith* was glad to hear that no privileges were to be conceded to the Catholics of England which were refused to Protestant Dissenters, though he could not but consider the provisions which subjected Protestant Dissenters to the Test and Corporation acts, as a most unjust and unmerited stigma on that body. He was satisfied, however, that the time was not far distant when Roman Catholics would be admitted to seats in that House. The hon. member adverted to a speech of the late marquis of Londonderry, delivered in the year 1821, in which he declared, that the only point in which the congress of Vienna unanimously concurred was, the total abolition of all religious distinctions with regard to eligibility to office,* and that this measure had tended greatly to remove dissentions which existed on this subject in the smaller states of Germany.—He hoped the time would come when such illiberalities would be trampled in the dust, under the feet of Englishmen. He could not hope to live to see that time, but he trusted it would come, and come shortly, when an end would be put to all the absurd disqualifications which arose from religious distinctions.

Sir *J. Mackintosh* said, it appeared to him that the question before the House in no way affected the general question of the Catholic claims. He, for himself, would support that general question under every possible circumstance; he would support it whether brought forward by friends or by foes—as a partial or as an ample, as a conditional or as an unconditional measure; but it seemed to him that no vote given whichever way it went, upon the present occasion, pledged the giver to to any specific course, when that general question should be discussed. As to the point of magistracy, he would offer nothing. It seemed to be agreed on all hands, that no difficulty would be made to that arrangement, unless some difficulty should arise in the detail; and he believed that, from the manner in which the bill would be framed, no such difficulty would arise. But, with respect to the question of the elective franchise, he was compelled to protest against the doctrine which had been laid down upon that point. That the exclusion of qualified Catholic freeholders from the exercise of the elective franchise was part of the fundamental law, or of the constitutional principle of the kingdom, he utterly denied. In what part of the constitution was that exclusion to be found? And, as to the fundamental law, why the Catholics of Ireland had continued to exercise the elective franchise long after the exclusion of Catholics from the Houses of parliament; and the Catholics of England had not been deprived of the elective franchise until the statutes of the 7th or 8th of William 3rd—more than twenty years after the exclusion of Catholics from parliament in England. Fundamental law. It was perfectly well known that the statute of William 3rd had passed upon the spur of the moment, under immediate apprehension from the discovery of the assassination plot, and not upon any cool and deliberate calculation of it principle. It had been stated, that if the present measure passed, the Catholics of England would be placed in a better situation than the Catholics of Ireland, because no Test act now existed in Ireland. He denied that position altogether. The bill now proposed to be brought in would not touch, nor interfere with the Test act. The Catholics of England would still be freed from the Test act, as they were freed from it under the existing arrangements by an Indemnity bill passed annually for that purpose. The fact was, that the English Catholics would hold by sufferance that which the Irish Catholics held as a matter of right. He begged to repeat, that he saw no inconsistency in hon. members taking the line which occurred to them upon the question immediately at issue, without reference to their general opinions upon the Catholic claims. The refusal, however, to admit those claims did appear to him to be almost inexplicable. It looked, he thought, like one of those acts of infatuation which had sometimes preceded the downfall of empires.

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* See Vol. IV., p. 1028 of the present Series.

Lord *Nugent* said, that under the present circumstances, the motion for leave to bring in the bill not being opposed, he should not trouble the House with more than a very few observations in reply. His hon. friend, the member for the University of Cambridge, seemed to rest his principal objection on the fact of the Roman Catholics themselves not having been consulted on this measure. His hon. friend had described it as a mere project of his. As such, he wished it to be understood. But he was quite sure that his hon. friend would not be prepared to resist it on this ground alone. If the measure could be shewn to be founded in justice, he would call on him to do an act of justice on any man's project. Nor was it an objection to state, that it had not been moved at the instance or upon the prayer of those who were principally interested in the result. His hon. and learned friend, the member for Oxford, had, he thought, singularly mistaken the object, as he had stated it, of his bill. His hon. and learned friend had apprehended, that the effect of it would be to place the British Catholics higher in point of privilege than those of Ireland. He was surprised at this objection from one of the acute and correct mind of his hon. and learned friend. He trusted he should be able to shew him, when his bill should be printed, that the utmost effect of it would be to give to the British Catholic, under the operation of the Test act which did not exist in Ireland, the same privileges by sufferance which the Irish enjoyed by right. The eligibility to office, and the elective franchise, were held by the Irish in the nature of a freehold. This bill would not go to repeal the Test act. It would leave to the British Catholic the enjoyment of those privileges only under the condition of the annual Indemnity bill—in the nature of a tenancy at will. With regard to the question as it affected Scotland, he was aware of the difficulty pointed out by the right hon. secretary of state. He would not enter upon the discussion of it now; but he thought that, under the fair construction of Mr. Dundas's Scotch act of 1791, this bill might operate in Scotland without any infringement of the act of queen Anne, which had been appended to the act of Union. If that act had not been virtually repealed by Mr. Dundas's bill, which he thought questionable, this bill could in no way touch it. At all events the act of queen Anne related only to the elective franchise. The other part of the present bill, namely eligibility to office, it did not affect. It was, however, with the greatest satisfaction, that he found the principle of the present measure adopted almost unanimously by the House. He trusted he should be able to satisfy the House hereafter upon the details.

Leave was given to bring in the bill.

MALT AND BEER TAX.] Mr. *Maberly* rose to move, "That a select committee be appointed to inquire into the present mode of taxing Malt and Beer separately, and whether it would not be expedient to collect the same amount on Malt alone." He hoped the House would grant a committee to examine the whole subject. As the law at present stood, the duty on malt amounted to 2*d.* on the gallon of porter, and 2¼*d.* on ale; but, in addition to this, there was a duty paid by the brewer upon the beer itself, which made the total upon porter about 5*d.*, and that on ale about 6*d.* He knew not upon what principle of right this duty, which fell chiefly upon the poor, was exacted; and he was astonished that the Chancellor of the Exchequer had not taken another view of the matter. The duty on malt, which was 3,200,000*l.*, was collected at an expence of 140,000*l.*, and the additional duty on beer at 280,000*l.* Now, could not the right hon. gentleman, by a transfer of the duty to malt, at once save this 280,000*l.* without any injury to the revenue? He had made the necessary calculations, and he felt convinced, that the transfer would have the effect which he anticipated. The whole quantity of malt consumed in England was about 26 millions of bushels, and of this nearly seven millions and a half were consumed by the rich in private brewing, and thus paid no beer duty. This made a million and a half of benefit to the private brewer, who was usually a rich man, for no other obvious reason than the giving him an advantage over the poor. An additional duty of 2*s.* a bushel upon all malt would return as large a sum to a revenue as was gained by the present tax on beer. This was the course which he recommended to the House; and if it was said that laying so high a duty upon malt would be a temptation to brewers to substitute noxious drugs for it in their beer, he should answer, that the public would have the same penal securities against that practice under the system he proposed, as under that which now existed. The hon. member sat down by submitting that at all events the case was a fit one for inquiry, and by complaining of that part of the Chancellor of the Exchequer's new bill, which compelled table-beer brewers, if they wished to make the new beer, to get fresh premises for the purpose. The bill was at best but a bill of experiment. It went entirely to destroy the present trade of the table-beer brewers; and it was hard, for the mere experiment of a year, either to stop their business and profits, or subject them to the heavy expense of taking fresh premises.

The *Chancellor of the Exchequer* opposed the motion. As to the saving in the expense of collection, the hon. member was mistaken: 280,000*l.* was the sum charged in the estimates for collecting the beer tax; but that charge was rather arbitrary. The same persons who collected the beer tax were employed in other duties. They supervised the maltsters, the glass-houses, tea-dealers, and brick-carts; and therefore the sum put down was rather a matter of average than of exact calculation. In addition to this, it must be evident, that if a large additional duty was laid upon malt, the expense of collection would be increased. The duty being higher, the temptation to evade it must be counteracted by additional vigilance. He did not mean to deny that some saving in the expense of collection would arise from taking off the beer duty; but those who expected to save 280,000*l.* a year, or any thing like it, would be greatly mistaken. The hon. gentleman would have the House believe, that no one brewed beer but the rich. For his own part, he could not leave out of his consideration all the farmers, great and small, who not only brewed for themselves, but gave beer to their labourers in part payment of their wages. Any increase of expense to them would operate *pro tanto* as an increase in the cost of production. With respect to the proposed plan of the hon. gentleman, as being likely to produce a greater consumption of malt, it proceeded on an assumption that malt, to the exclusion of all deleterious substitutes, would be used. But it was to be recollected, that by taking off the duty from the beer, an infinitely greater inducement was held out to the use of these substitutes; unless indeed measures of precaution accompanied the alteration, which of course must be attended with expense. He could assure the House he had no personal or official reluctance to the measure; but when it was considered, that revenue to the amount of nine or ten millions was connected with the article of barley, he did feel it his duty not to precipitate any partial changes; particularly when a very great change was about to be tried as to distillation both in Ireland and Scotland, the actual effect of which on the revenue could not be ascertained at present. He would in any case prefer the plan of the hon. member for Reading, for equalizing the duty on beer, without increasing that on malt. He was convinced that there would be no saving in the collection of the duty by the plan now proposed, that there would be no increase in the consumption of malt, and that the poor would not be at all benefitted by it.

Sir *J. Mackintosh* denied, that the Chancellor of the Exchequer had at all met the clear statement of his hon. friend. The objections of the right hon. gentleman were founded on certain apprehensions, the solidity of which could be best ascertained by acceding to the motion, for the appointment of a select committee. In such a committee it would be seen, whether the plan proposed would or would not be prejudicial to the revenue. By the present regulations all the inhabitants of large towns, all the manufacturing and agricultural labourers, were obliged to pay a higher price for beer than the richer classes of the community. It was not just to continue such a burthen on them, when it was probable that a transfer of the duty from the beer to the malt would not injure the revenue, while it would relieve those great classes of the population. It was said that the existing regulation secured a more wholesome beverage. Why not leave that security to the taste and palate of the consumer, and to the competition of a free trade? It was upon that very pretext that all those regulations which fettered a free trade, and to the continuance of which the right hon. gentleman had, with so much credit and sincerity, opposed himself, were vindicated. The lawgiver was gratuitously interposing, and setting himself up as a better judge of the goodness of an article of consumption than the manufacturer or the consumer. He deprecated all such interference, and should give his full support to the motion.

Mr. *Hume* contended, that the estimate of 280,000*l.* for the expense of the excise interference was correct, and was not impugned by the statement of the Chancellor of the Exchequer. As that was the amount of the charge, the saving by the proposed arrangement would be equivalent. He trusted that a committee would be appointed, and that it would direct its views to a considerable reduction of the duties on malt, convinced as he was, that the effect of such reduction would be no diminution of revenue, a great increase of comfort to the labouring classes, and much relief to the agricultural interest. Since 1792, though the population of the country had increased a third, there had been no addition in the consumption of malt. The amount of duties on that necessary article could alone have produced such a result. As to the necessity of increasing the number of excise officers, in the event of his hon. friend's plan being carried into effect, he denied that it rested upon any fair grounds. The very history of the malt duties showed the fallacy of the argument; for when the war tax was added, there was no increase, nor when it was taken away was there any diminution.

Mr. *Benett*, of Wilts, could not give his support to the motion in its present shape. He would vote for the appointment of a select committee to inquire generally into the subject of the duties on beer and malt. He hailed with considerable satisfaction the statement of the Chancellor of the Exchequer, that as soon as the revenue afforded the means, he would relieve the country from the beer duties. No greater benefit could be conferred on the people. It would afford extensive relief; and would not relieve one class at the expense of another.

Sir *J. Newport* said, that by returns which he held in his hand, it appeared that from 1752 to 1808 the consumption of beer in Ireland had increased from 59,000 to 426,000 barrels annually. During that period nearly the whole of the beer had been imported from England. In 1809, a different system had been adopted. The brewer was left free from restriction, and the consequence was, that the number of barrels imported fell to 38,000; the revenue was doubled in the article of malt, the consumption was greatly increased, and it was of home production instead of foreign importation. No illustration could be more complete than this of the expediency of taking off all restrictions from trade.

Colonel *Wood* opposed the motion, because the good which it proposed in reducing the price of beer was insignificant, while the evil to the farmer would be considerable. The great consumption of beer during the harvest rendered it an important article in the expenses of an agriculturist, and to impose an additional tax on malt would be to increase his burthens, already too heavy.

Mr. *Wodehouse* deprecated the proposed alteration in the beer duties, at a moment when such extensive regulations were about to be introduced into the distillery laws. He proceeded to compare the consumption of malt in the year 1791, 1792, and 1793, with that in the years 1821, 1822, and 1823, and insisted that it was greater at the former than the latter period. He could not support the motion.

Mr. *Western* thought a reduction of the duties on beer and malt necessary. He would, however, have it made on the aggregate revenue thence derived; it ought not to be done by taking a tax off one article and placing it on another. It would be preferable to reduce the duty on beer. The measure proposed would deprive the poor of the comforts they possessed at home, and drive them to the public-houses. He should therefore oppose it.

Mr. *Byng* expressed his dissent from the motion, on the ground that no description of persons would be benefitted by it, while the agriculturists would be in a worse situation if it were adopted.

Mr. *Ricardo* thought, that his hon. friend, the mover, had shown the tax on beer to be unequal, and that one class was exempted from it, while another was obliged to pay. He had shown, also, that the diminution in the expense of collecting this tax would assist the revenue. The hon. member regretted that this had been made a question between the agricultural and other classes; but, even if it were true that the tax had an unequal operation, in this respect also the sooner it was equalized the better. If the duty paid ought to attach on all persons consuming beer, it ought to attach equally. The motion should have his hearty support, because it went to accomplish that object.

Lord *Althorp* said, that the wish so often expressed by honourable members to encourage private brewing, would be defeated by this measure, if it should be carried. He had always maintained that the landed interest paid an undue proportion of taxes. If, therefore, an opportunity offered of lightening in some degree the weight which oppressed them, he thought it was very fair to do so. When the House looked to the amount of poor-rates paid by the farmer, he hoped it would think he was entitled to some consideration on the present occasion.

Mr. Alderman *Wood* supported the motion, by which he thought the revenue would be much benefitted.

Mr. *Monck* said, that before the malt-tax was imposed, the poor shopkeeper or farmer paid 20*s.*; now, however, he paid 36*s.* He repeated his conviction, that the malt duty was neither more nor less than a land tax, and remarked upon its great inequality as affecting the rich least, and the poor most—an inequality which had existed ever since the 8th and 9th of William and Mary, and must have been designed as a compensation to the landed interest for their compliances with the views of the government of the day. He should support the motion.

Mr. *Grey Bennet* saw no reason why 1,200,000 beer-drinking families of artizans should be obliged to pay 40*s.* and upwards per quarter, while a very small and much richer portion of the community paid only 20*s.* He considered that much good would be derived from the inquiry.

The House divided: Ayes, 27. Noes, 119.

List of the Minority.

Bennet, hon. G.
Bernal, R.
Craddock, col.
Crompton, S.
Denman, T.
Fergusson, sir R.
Folkestone, visc.
Grattan, J.
Hobhouse, J. C.
Hutchinson, hon. H.
Leader, W.
Maberly, J.
Martin, J.
Newport, sir J.
Philips, G. jun.
Ricardo, D.
Rice, T. S.
Robarts, A.
Robarts, col.
Robinson, sir G.
Sykes, S.
Wigram, W.
Whitbread, S. C.
Williams, J.
Williams, W.
Wood, alderman.
Whitmore, W. W.

TELLERS.

Maberly, J.
Hume, J.

After the division, Mr. F. Palmer moved for leave to bring in a bill to enable the public brewer to retail beer in smaller quantities than four gallons and a half, provided the same be not consumed on the premises of the brewer.—The Chancellor of the Exchequer said, that there was no necessity for such a bill inasmuch as the law had already provided for its objects.—Mr. Monck thought nothing could be more fair or wise than the principle of his hon. friend's proposition.—Mr. Herries thought that some misunderstanding existed on the other side on this subject. The brewer, under the present law, might take out two licences namely, the public brewer's common licence and the retail licence—a circumstance which obviated the difficulty complained of.—Mr. Benett, of Wilts, supported the motion.—Mr. F. Palmer said, his only object was, to give the brewer the opportunity of becoming either a wholesale or a retail dealer. [Cries of Question]. Seeing the disposition of the House, however, he would withdraw his motion.

HOUSE OF COMMONS.

Friday, May 30.

WAGES OF MANUFACTURERS.—USE OF MACHINERY.] Mr. *Attwood* presented a petition, numerously signed, from the Manual Weavers of the town and neighbourhood of Stockport, complaining of great distress, and petitioning the House for relief. The distress which the petitioners suffered, arose from the extremely low rate of wages; and the remedy which they proposed for this was, that the House should fix a minimum on the rate of wages. They complained also of certain improvements in Machinery, the effect of which had been to reduce the quantity of employment of those who wove by hand, and which threatened to leave a large population without any means whatever of support. He perceived that the petitioners ascribed their difficulties, in part, to a hard and oppressive conduct adopted by their employers, and he was sorry to see that opinions so erroneous and so injurious to their own interests prevailed amongst the workmen. He was sensible that the petition generally, as it respected fixing by law a rate of wages, and as it complained of improvements in machinery, was but little calculated to obtain a favourable reception in the House; and he wished it to be understood, that he was not the advocate of the views of the petitioners on these subjects: but he considered their prayer to be worthy of an attentive consideration, because it proceeded from men in a state of great calamity, which extended not alone to those who had signed that petition, but to a large and important population, throughout the seats of the cotton manufacture. Whatever he thought of some of the opinions of the petitioners, he was convinced of this, that when they complained of the means of subsistence being taken from them, in consequence of improvements of machinery, and applied to the House for compensation, they raised a question of great extent and difficulty, and which was not to be met by the common assertion, denied by no man, nor denied by the petitioners, that all such improvements were beneficial to the wealth and interests of the community at large.

Mr. *Philips* said, that after all the inquiry he had made with respect to the condition of the weavers of Lancashire at the present moment, he was inclined to think that they had greatly exaggerated the statement of their distresses. The cotton-spinners' wages were, it was true, very low; but the price of provisions was so extremely moderate, that they could live comfortably on those wages. That was undoubtedly the case when he was last in Lancashire; and the fact was proved by the reduction of the poor-rates, as well as by the reduced number of applications for private charity. With respect to machinery, he would now re-assert what he had formerly stated; namely, that where machinery was used the wages were the highest. Where cotton machinery was introduced, the comforts and wages of the artisan were improved. They were paid more for managing machinery, than for the mere labour of their own hands. He would contend, that no means were so effectual for the benefit of the manufacturing class, as the introduction of machinery; and if parliament were foolish enough to comply with the prayer of those who wished to discourage machinery, they would inflict the greatest possible injury on the public, and especially on the petitioners themselves. If a minimum of wages were established, so far from the weavers being relieved by such a project, they would at one time of the year have no employment at all. The most prudent course would be, to leave the trade perfectly unshackled, and open to the arrangements of the parties immediately concerned — those who employ labour, and those whose labour was so employed [Hear, hear!]. In his opinion, the sale and purchase of labour ought to be as unrestrained as the sale and purchase of any other commodity.

Mr. *Curwen* was convinced, that if a minimum of wages were established, it would produce great mischief. Four or five years ago, when several petitions similar to the present were laid before the House, a committee was appointed to consider of them. Delegates from the operative manufacturers, and other individuals conversant with the subject, were then examined; and he believed not one person attended who did not go away perfectly satisfied that such a system would be most mischievous. Amongst the members of the committee, there was not the slightest difference of opinion.

Mr. *Grey Bennet* said, a very useful publication on the subject of machinery, written by Mr. Cobbett, had been extensively circulated throughout the manufacturing counties, and would, he hoped, effect a change of opinion no less extensive. Those who had not read that work ought to read it; because there was no publication, which, for a rational and practical view of the subject, could be compared with it. He had learned more from it than from any publication of the kind he had ever read.

Sir *I. Coffin* said, that if the use of machinery were abolished, two-thirds of the manufacturers of this country would be reduced to starvation.

Mr. *Ricardo* said, that much information might, undoubtedly, be derived from Mr. Cobbett's publication, because that writer explained the use of machinery in such a way as to render the subject perfectly clear. He was not, however, altogether satisfied with the reasoning contained in that pamphlet; because it was evident, that the extensive use of machinery, by throwing a large portion of labour into the market, while, on the other hand, there might not be a corresponding increase of demand for it, must, in some degree, operate prejudicially to the working classes. But still he would not tolerate any law to prevent the use of machinery. The question was,—if they gave up a system which enabled them to undersell in the foreign market, would other nations refrain from pursuing it? Certainly not. They were therefore bound, for their own interest, to continue it. Gentlemen ought, however, to inculcate this truth on the minds of the working classes—that the value of labour, like the value of other things, depended on the relative proportion of supply and demand. If the supply of labour were greater than could be employed, then the people must be miserable. But the people had the remedy in their own hands. A little forethought, a little prudence (which probably they would exert, if they were not made such machines of by the poor-laws), a little of that caution which the better educated felt it necessary to use, would enable them to improve their situation.

Mr. *Maxwell* differed from those who were of opinion that a low rate of wages was serviceable to a country. The reverse he conceived to be the fact; because, from the circumstance of low wages, a great degree of crime and discontent were engendered; and when that was the case, great expense must be incurred in the prosecution and punishment of offenders. He trusted that the right hon. gentleman at the head of the Board of Trade would pay some attention to this petition. The population of the country, whether agricultural or manufacturing, should, he thought, be protected as much as possible from the effects of machinery; since it was that population by whom the taxes were paid.

Mr. *Philips* instanced the fact, that the wages of the artisan were more liberal where machinery was used than where it was not used, as a proof that its introduction was not hurtful to the weaver.

Mr. *Ricardo* said, his proposition was, not that the use of machinery was prejudicial to persons employed in one particular manufacture, but to the working classes generally. It was the means of throwing additional labour into the market, and thus the demand for labour, generally, was diminished.

Mr. *Maxwell* presented a petition of a similar nature from certain inhabitants of Middlesex. He observed, that if wages were higher, the working-classes would be able to consume a greater quantity of produce of every kind; and they must all acknowledge, that to devise a mode by which the consumption of produce would be extended, was a great desideratum.

Ordered to lie on the table.

IRISH TITHES COMPOSITION BILL.] Mr. Goulburn moved the order of the day, for going into a committee to consider further of this bill. On the question being put, "That the Speaker do now leave the chair,"

Sir *J. Nicholl* observed, that considering who were the framers of the present measure, he could not view it as an attack upon Tithes in the character of church property; more especially as the Composition was proposed to be applied to all tithes, and it was well known that a large portion of them, particularly in Ireland, belonged to laymen. At the same time, he must remark, that great caution was to be used in interfering with the rights of property of any description. Doctrines extremely alarming were set afloat in the world. An equitable adjustment of all contracts was to be proposed. Principles in regard to church property had been stated, directly asserting that it belonged to the public, and was disposeable for the use of the state. Such assertions could only be considered as tending to measures of manifest spoliation and plunder. But a fair composition or commutation for tithes, did not necessarily bear that character. Plans of that sort had been proposed at different periods by some enlightened statesmen. Yet it should be recollected, that those plans, however specious at the outset, had always proved abortive, and difficulties of detail had always presented themselves which were found to be insurmountable. —After these experiments had been repeatedly tried, and considering that the evils from the tithe system in this part of the United Kingdom, were not of a magnitude sufficiently great to warrant the introduction of a measure tending to very alarming consequences, he should have thought that a plan of the sort now proposed, if to be applied to England, would have been highly objectionable at the very outset.—But the case might be different as respected Ireland. In that part of the United Kingdom, evils so great might exist, as to justify an attempt to frame a measure for substituting a composition in lieu of the payment of the tithes in kind. The expediency, however, of the attempt, would depend on the magnitude and extent of the evils existing in Ireland. He protested, therefore, and the principal object of his rising was to protest against any inference, that because the progress of the present measure, as respected Ireland, was acquiesced in, a similar measure would be expedient for England. The circumstances of these two parts of the United Kingdom were widely different. They stood in this respect rather in contrast than parallel to each other—and he regretted that this contrast and the special circumstances in respect to Ireland, had not been more strongly marked and more distinctly stated in the preamble of the bill. He hoped that the preamble would be amended in the committee.

Objections to the measure had been started. He would not then discuss, or form a decided opinion upon them. He would only observe, that the objections on one side and the evils on the other, ought to be fairly considered and balanced. There were, however, two principles indispensably necessary to be strictly adhered to and secured. The first was, that the substitute for the tithes in kind should be a fair and just compensation, and so adjusted as to be beneficial to both parties, the tithe-owner and the tithe-payer. This should be carefully guarded, even if the composition were to be purely voluntary; since it should be recollected, that the present owner of the tithes was to bind his successor, who would be no party to the contract.—The other principle was, that the substitute should be made to keep pace with the times in reference to the changes that might take place in the prices of commodities, and the relative value of money. These two principles should be strictly attended to, and were indispensable.

Giving credit, then, to the framers of the bill, for intending to pursue these principles, and assuming that evils existed in Ireland to justify an attempt to model and modify a remedy, but repeating his protest against the expediency of such a measure for England, he should not oppose the Speaker's leaving the Chair.

The House having resolved itself into the committee,

Mr. *Goulburn* said, he was anxious to remove any doubts which might have arisen in the minds of his right hon. friend, as to any intention existing of extending the operations of this bill to England. He could assure his right hon. friend, that no such intention had ever been entertained by any one. He would, however, put an end to the possibility of such a fear existing any longer; for he would now propose that the preamble to the bill should be postponed; and before the House was called on again to consider it, he would propose such an alteration in that part of the bill, as should completely guard the tithe system of this country from being affected by the measure now under consideration, should it be adopted by the House.

The preamble to the bill was then postponed. On the clause which provided that the rector, vicar, or other incumbent, shall return a list of persons having paid tithe to such an amount as will entitle them to vote in vestry,

Mr. *Calcraft* objected to the clause, which, he contended, would throw the whole power of appointing the vestry into the hands of the incumbent, who would, no doubt, be careful to return in his list no individual who was hostile to his own interests, or over whom he had not in some way a control. He was himself favourable to the principle of this bill. He considered it calculated to do much good in Ireland; but he feared that as at present constructed, the machinery was too complicated for it ever to work with effect.

Mr. *Goulburn* said, that the mischiefs which the hon. gentleman seemed to apprehend as likely to arise from too much influence being given to the clergyman were guarded against by the subsequent clause, by which any individual who considered his name as improperly omitted in the list returned by the clergyman, might, on application to a magistrate, have it inserted, and become eligible to be appointed a vestry-man, having previously qualified himself, by complying with the other provisions of the bill.

Mr. *Dennis Browne* objected to the bill altogether, and to this clause in particular.

Mr. *Vesey Fitzgerald* strongly protested against such an arrangement as quite inapplicable to Ireland. There was a total want of machinery in the south and south-west parts of Ireland to carry it into effect. In some parishes there was not a resident magistrate. Besides, the clause would be open to great abuse, for any considerable lay-impropriator of tithes might from influence create vestry-commissioners, and check-commissioners from his own partisans, and thus collect tithes to what amount he pleased.

Sir *H. Parnell* undertook to say, that in the part of Ireland with which he was acquainted, this measure would be hailed as a benefit. Although it might not be fit for that portion of the country which the right hon. gentleman had named, yet there were two other provinces which it would suit.

Mr. *V. Fitzgerald* said, that in the county of Cork, which was five times as large as the county which the hon. baronet represented, such a measure was totally impracticable. It was monstrous to press a measure designed to be of general application, with the fact that in two-thirds of Ireland it could not be acted upon.

Mr. *Abercromby* suggested, as an improvement, that in the cases of parishes where arrears existed, and where, consequently, under the present clause, the whole of the tithe payers might be excluded from taking part in the vestry, the payment of the last year's arrears might be deemed sufficient to qualify for admission to the vestry.

Mr. Secretary *Peel* said, he approved of the suggestion. As to the proprietors of agistment land, it was obviously their interest not to have anything to do with the appointment of valuers.

Mr. *S. Rice* thought the contribution to the county rate might be made the test of the qualification of the vestrymen.

After some further conversation on this clause, it was agreed to postpone it.

Mr. *Wetherell* objected to the principle of universal suffrage in the election of arbitrators. The vestrymen ought to be chosen by a portion of the tithe payers. He thought it would be better to take this clause into further consideration on the recommitment of the bill.

Mr. *Peel* thought the argument of the learned gentleman did not apply to the present case. This was a voluntary and not a compulsory clause, with regard to land not now paying tithe being taken into the composition. If no tithe had been demanded for the last seven years, it was to be considered that for such land no tithe was demandable. The learned gentleman had talked of putting an end to the rights of the church. This measure had no such effect. It only gave a power to parties to enter into an engagement for 21 years, and at the end of that time the contract was to be put an end to.

Mr. *Ricardo* observed that, by the present bill, land improved within the last 21 years was not to be tithable for such improvement; but as an adjustment was to take place every year, suppose a man possessed of poor land, to improve that land within one year after the passing this bill, he would become liable to pay upon his improved land, while his neighbour, having been so fortunate as to improve a year sooner, would be liable to no such burthen. This would be to give one person a preference, ruinous in its effect, to another. The bill might be favourable to Ireland, but it would be most injurious to the English agriculturist, as it would enable the Irish grower to grow corn cheap, and he might glut the English market, to the ruin of the English grower, unless a protecting duty was imposed on Irish corn.

Mr. *Goulburn* said, the argument just introduced by the hon. member for Portarlington, was one quite beside the present question; though it would apply to any measure introduced with a view of assisting agriculture in any part of the empire. If the ground now laid by the hon. gentleman was sufficient to justify the imposing countervailing duties on Irish produce, a wide field would indeed be opened for imposing such duties, not only in Ireland, but in various parts of this country. How would the hon. gentleman reconcile his proposition with the various instances which existed in Yorkshire and Lincolnshire, in particular, of parishes relieved from the operation of the tithe system by special acts of parliament. According to the hon. gentleman's doctrine, we must have Custom-houses erected on the borders of those counties, and countervailing duties imposed, to keep up this beautiful system of equilibrium of price. He must at once strongly protest against this proposition of countervailing duties between England and Ireland, to counteract any advantage which might possibly arise to the latter country.

Mr. *Benett*, of Wilts, though a considerable English grower himself, did not complain of the present measure, because it might, by chance, be beneficial to Ireland, at a small expense to England.

Colonel *Barry* said, there was one part of the clause to which he must object; namely, that part which gave to the commissioners the power of raising the composition one-third above the present produce of the living. He should move to omit that part of the clause when they arrived at it.

Mr. *Goulburn* contended, that it was necessary the commissioners should have a discretionary power; and that if, on comparing the average of the last three or four years, they should find the sum received by the clergyman not equal to the value of the tithe, they should have the power to fix a higher composition. Suppose a clergyman, from motives of humanity towards his parishioners, not to have taken so much for tithe as he was justly entitled to, and suppose the incumbent of the adjoining parish to be a man of different character, was it to be said, that in such opposite cases the commissioners were to have no discretionary power, but that the kindness of the one party should be taken advantage of for the purpose of deteriorating his property, whilst the severity of the other should operate in a directly contrary manner? It was not intended that the commissioners should be bound to give one-third; it was to be left to them to act as the justice of the case required. He was convinced, that, if a contrary course was adopted, this measure would, instead of proving a conciliatory one, increase discontent, as the parishes in which the composition was fixed at the higher rate would, on comparison with others more favourably situated, complain, and with reason, of being hardly dealt with. He did not consider that this discretionary power could be lodged any where better than with the commissioners, and therefore he would support the clause.

Mr. *Benett* thought that if the commissioners were to have the power of raising some livings, they ought also, if they thought fit, to have the power of reducing others.

Mr. *D. Browne* strongly opposed the clause. It was said that the tithes were the main cause of the discontent in Ireland; and now the House was going to adopt a measure, by which they would be increased one-third in most cases.

Colonel *Barry* then moved to leave out the particular words of the clause to which he had called the attention of the committee.

Mr. *Daly* supported the amendment. The average would, he said, always be taken upon 1816, 1817, and 1818, which were all high years, and would give a very high average.

Sir *J. Newport* was ready to give the clergyman as much as he now received, but no more.

Mr. *Wynn* was against the amendment. Cases of modus might arise, in which the discretionary power might be necessary to enable the commissioners to act fairly by all parties.

Sir *G. Hill* thought the clause was intended rather as a defence for the parishioners than as an advantage to the clergyman; for by it the commissioners were restrained from going beyond one-third.

Lord *Folkestone* said, the clergy would have a manifest advantage, as the composition would be fixed upon the payments made in a deteriorated currency, and the payments now would be in a currency restored to its proper standard and value.

Mr. *Calcraft* thought the commissioners should have a discretion. He did not say whether it should be to the extent of one-third or not.

Mr. *Goulburn* said, that to meet the wishes of his right hon. friend, he would propose that the following words be inserted—"That it shall and may be lawful, where it shall appear to the commissioners that the average is not the fair value of the living, for the said commissioners to add to such average any sum not exceeding one-third of the amount."

Colonel *Barry* thought, that instead of a benefit to the people and clergy of Ireland, the bill, if passed with such a provision, would prove a curse to both. He would give to the clergy what they now had, but no more. He could not agree to the amendment.

On a division, the numbers were; for the clause, 73; against it, 63.

Mr. *M. A. Taylor* objected to the measure altogether, as inordinately increasing the revenues of the clergy, and particularly in Ireland, where the hierarchy was enormously overpaid, considering the respective populations of the two countries. He hoped that the Irish members would closely watch the details of this bill.

Mr. *Goulburn* joined with the hon. member in requesting the aid of the Irish members in the consideration of this measure. It was only by their aid that it could be rendered beneficial to Ireland. The hon. gentleman had said, that by the operation of this bill the incomes of the clergy would be enormously increased. The hon. member could not have read the bill, or he would not have ventured on such an assertion; for there was no compulsion; the whole was voluntary; the bill did not go to impose any new burthens on the people.

Mr. *R. Martin* observed, that the House had forced the government into this measure, and he had been a party in that force. He was decidedly of opinion, that the clergy were entitled to a fair compensation for whatever rights or property the bill might go to deprive them of; and unless that compensation was given, he was convinced the measure would never pass the other House of Parliament.

The chairman reported progress, and obtained leave to sit again.

HOUSE OF COMMONS.

Monday, June 2.

Agricultural Distress.] Sir *T. Lethbridge* begged to state, that at the suggestion of many able friends of the agricultural interests of the country, he would, with the leave of the House, withdraw his motion, which stood for Thursday next, on the subject of Agricultural Distress. He was most happy to notice the contrast of circumstances between the present time, when he abandoned his motion, and that in which he gave notice of it. The state of things now afforded a hope of great alleviation, if not the entire extinction of that melancholy state of distress which had so recently involved a large portion of those engaged in the agriculture of the country.

Reform of Parliament—Devon Petition.] Lord *Ebrington* rose to present the petition of the freeholders and others of the county of Devon, praying for a reform of parliament, and animadverting upon the foreign and domestic disasters which had grown out of the corrupt state of the representation. After the last decision of the House on the subject of reform, it might be said that this petition was unnecessary; but he must be permitted to reply, that that decision, so far from satisfying the people that reform was unnecessary, had only the more convinced them of its urgency. A requisition had been originally transmitted to the sheriff of Devon to convene this meeting; but upon his refusal, the county was convened by the magistracy, and he (lord E.) had had the honour of presiding. This petition was not only unanimously agreed to at the meeting, but was signed by 5,161 freeholders, leaseholders, and copyholders of the county: 4,000 of the number were actual freeholders, a greater number than had ever polled at any of their county elections. Many more residents of the county would have signed it, had they not thought it useless to press this question upon the attention of the House.

Mr. *Newman* said, he was present at the meeting, and could add his testimony to its unanimity and respectability.

Mr. *Tremayne* said, he had passed through the town during the meeting, and certainly had not witnessed any of that manifestation of zeal which the petition imported. As the noble lord said that four-fifths of the petitioners were freeholders, he would not dissent from that description of the parties, although it was one which otherwise he should have doubted.

Sir *F. Ommanney* thought the petition ought not to be laid on the table. With respect to the alleged sufferings of the petitioners during the war, the House need not be told of the benefits they derived from the maritime expenditure at Torbay, Exeter, and other parts of Devonshire.

Mr. *P. Moore* asked, whether either of the hon. members who spoke last could contradict the strong facts asserted in the petition, respecting the necessity of a reform of parliament.

Lord *Ebrington* thought it natural for the hon. baronet not to feel any strong relish for popular opinion, and not to be an advocate for parliamentary reform. But, whatever was the hon. baronet's opinion, he was convinced the House would not so far forget its duty as to attend to his extraordinary proposition. It was, however, competent for the hon. baronet to try the fate of his recommendation by pressing his view of the subject to a division. The other hon. member had remarked, that he saw no appearance of bustle as he casually passed through the town on the day of the meeting. The reason was obvious. The people were unanimous, and the absence of any collision of sentiment prevented the appearance of bustle or disturbance. With respect to the signatures, it was open to any member to ascertain the correctness of the annexed descriptions and addresses of the subscribers; but he was enabled to say, that 3,370 of the petitioners had actually polled at the last county election.

Ordered to lie on the table.

SCOTCH COUNTY REPRESENTATION.] Lord A. Hamilton rose to bring forward his promised motion on the State of the County Representation in Scotland.

Mr. Serjeant *Onslow* rose to order, and said, that by a standing order of the House, all orders of the day set down for Mondays and Fridays, must be disposed of, before the notices entered upon the book were proceeded upon.

The standing order to that effect was then read.

Lord *A. Hamilton* said, that he stood upon his right to introduce his motion, which appeared first upon the list of notices. He had yielded to the call to order, and would again sit down, if that call were repeated; but he trusted, that unless he said something which the Chair should deem disorderly, no gentleman would interrupt him in the performance of an undoubted right which he was in the act of exercising. He did not mean to disguise from them, that he felt himself placed in an unusual situation. He had already, on three successive occasions, put off his motion for the convenience of the gentlemen opposite. It was understood on those occasions, that he was to have precedence on a future evening. Now, it was obvious that if such arrangements were disregarded, it would be useless to make any such in future. Under the circumstances in which he was placed, he would leave it to the hon. members opposite, whether he ought not to proceed. He had given way before for their convenience, but he could not consent to do so at present.

Mr. *S. Wortley* rose to order. He said, he was anxious to have it decided, whether the House was to abide by its sessional order or not. In adherence to those orders, the orders of the day ought on Mondays to have precedence.

Lord *Cranborne* also expressed his opinion that the sessional order ought to be adhered to.

Mr. Secretary *Canning* admitted the difficulties in which the noble lord and the House were placed on this occasion. It must be agreed, that according to a strict adherence to the sessional order, the orders of the day ought to have precedence on that day; but it was well known that there were deviations from the rule by an understanding between members on both sides. He was not in the House when the arrangement to which the noble lord referred was entered into, but as it was made with those with whom he acted, he would, under the circumstances, consider himself a party to it.

Lord *Cranborne* complained of the inconvenience which would arise from this deviation from the regular practice of the House. For his own part, he feared the delay would be fatal to his bill (the sale of game bill). He should like to hear the decision of the Chair, whether the sessional orders were to have force or not.

The *Speaker* said, that by the sessional orders certain days were fixed on which orders were to have precedence, and others on which notices had the priority. That regulation was, he well recollected, made under a strong protest by several members, as being an infringement upon the privilege of a member, to originate a motion without notice. It was certainly right that the sessional orders should be strictly adhered to; but, this session, in consequence of the inquiry into the conduct of the sheriff of Dublin, several deviations had unavoidably taken place. With respect to the noble lord who was now in possession of the House, it must be presumed that he intended to conclude his speech with a motion; and no amendment to that could be made until it was before the House.

Lord *A. Hamilton* was about to proceed, when

Mr. *S. Wortley* again rose to order, and began to point out the inconvenience of a departure from the sessional order, when he was interrupted by

The *Speaker*, who observed, that this was not speaking to a point of order. The hon. member might urge those topics at the conclusion of the noble lord's speech, but not before.

Lord *A. Hamilton* then proceeded. He rose, he said, to call the attention of the House to the state of the representation of the counties in Scotland. He was not aware that any alteration in the representation of that country would be for his individual advantage; but he looked beyond that, and took the question up as one which was likely to benefit the public. He was sorry to find that his motion had put to flight so many honourable members as he saw leaving the House, who, he believed, came there for a different object; and regretted that the interest of partridges and pheasants seemed to be so much preferred to that of their constituents. He hoped, however, the time was approaching when the interest of the constituent would be better attended to. He wished to call the particular attention of the right hon. Secretary opposite (Mr. Canning) to this important question. It was, as far as he knew, one which the right hon. gentleman had never touched—a species of reform with which he had not yet grappled. It was quite different in its nature from that of any question of reform in England. The representation of Scotland, so far from being similar, was a direct contrast to that of England. In England, representation was founded upon property and population. Neither the one nor the other formed necessarily the basis of the elective franchise in Scotland. In the Scotch counties, representation was not founded on property; in the Scotch burghs it was not founded on population. Property was excluded in the counties, and population in the burghs; for no extent of land, no possession of property, necessarily conferred a right of voting in that country. In England, the object of all the laws on the subject of representation was, to correct the abuses which had crept in, and to enforce the rights of electors; but he would show, that the defects of the system in Scotland did not rest in the abuses of the law, but in the very nature of the law itself. On this subject, he would read to the House the opinion of a very grave authority; that of the lord chancellor Thurlow, who, in speaking of the state of the representation in Scotland, had said, that the evil was fundamental, and such as the legislature alone could remedy. The noble lord then read the extract, in which lord Thurlow declared, that such was the state of the representation in that country, that the right of election might be in the hands of those who had no earthly stake in the country. This opinion he intended to make the ground of some of his present resolutions.

He would ask, what ought to be the constitution of the House of Commons? In the first place, it ought to be so constituted, as to speak the sentiments of the people—to act so as to merit their confidence—and it ought to be under the control of the constituents. Applying this to the state of the representation in Scotland, it showed the system there in a most odious light. That system was in fact such, that the whole property and the immense majority of the population might be averse from those chosen to represent them. Such members, then, could not be said to represent the country, in the strict and proper sense of the word. It was, in fact, notorious that they did not speak the sense of the country, and could not therefore merit its confidence. Then, as to the third point, he would ask, was there any efficient control over the member by the constituent? If there was any control, it was a control exercised by a privileged few, not for the benefit but to the injury of the many. This evil of so long continuance was every day becoming worse and worse; because, in proportion as the population became more enlightened and more wealthy, so much the less was this system adapted for them; and it was more than absurd to continue a practice which at any time was not calculated to speak the sense of the people. To those who were not conversant in Scotch laws and customs, it was difficult to give a clear idea of what really constituted the right of a vote at an election for a member of parliament. It rested, as he had said, not upon property or population, but on the possession of a piece of parchment, which conferred no rank, and little or no property on its holder; for the property to which he might have claim by it might not exceed the value of one penny. It might, in some respect, be compared to the copyhold system in England. If a lord of a manor has forty persons paying him one shilling each per year, he would thereby be a forty shilling freeholder, and would, by his qualification as a voter, be supposed to represent that sum of property. But, if each and every one of those persons who paid the shilling were worth 1000*l.*, and still paid only the shilling, there still would be only the 40*s.* represented by him. Such a case as this rarely occurred in England, but it w the general case in Scotland. This was clear from the rolls of the freeholders in that country. He had moved in 1820, for a return of the number of voters in Scotland, which was laid before the House. From that return it appeared, that the entire number of voters in the country was only 2,889. Now, when the House heard that out of such a population as that of Scotland there were so few voters, he thought it would be sufficient to induce them to grant all he asked: which was, to consider the state of the representation of that country, with a view to remedy its evils. He had stated, that the number of voters was only 2,889; but in fact, it should be taken at somewhat less, because many names (of persons having votes in several counties) occurred frequently. As one instance, he might be allowed to mention his own case. He had the right to vote in five counties in Scotland, in not one of which did he possess an acre of land; and he had no doubt that if he took the trouble, he might have a vote for every county in that kingdom. In some counties, two persons were named in each register of a vote, by what was termed "*fiar* and life rent;" and of these two each had a right of voting in the absence of the other. In some counties they voted alternately. From such a small aggregate of voters as he had mentioned for the whole country, the number in each county could be but small. In no county did the number of voters exceed 240, and in one it was as low as nine. He begged here to be distinctly understood. He did not mean to say that the possession of property did not give a vote. All he meant to state was, that no extent of property, however great, necessarily conferred the right of voting, unless it was accompanied with what was termed "a superiority" of land. But this superiority might be possessed without any property whatever.

He now came to show what was the kind of control of the constituents over the representative. In the county which he represented (Lanarkshire), the number of voters from superiority and property was 66; the number from superiority alone was 95. So that the 95 without any property could return whom they pleased to select, and the persons who really held the property of the county could not prevent it. Was this a state of things which ought to continue? In his county there were 154 commissioners of supply, who were in fact called to do the whole business of the county, except at elections, and of these not one had a right to vote. In England, the defects of the borough representation were said to be corrected by the representation of the counties; but in Scotland, the representation of counties served only to aggravate the evil. In the counties, as he had shown, the representation might be quite distinct from property: and in the boroughs how could the evil be remedied, where fourteen or fifteen self-elected persons returned a member of parliament? Again; what was the result of this system, when the conduct of Scotch members was canvassed and commented upon in that country? Why, it was made an objection to many of them, that they were not the representatives of the people, but merely the representatives of the few who returned them to parliament. This was the case in the instance of his hon. friend (Mr. Hume), whose conduct was severely commented upon in Scotland in certain papers which were circulated there under high authority about two years ago. It was there objected to his hon. friend, who was called the member for Aberdeen, but who, it was known, had not the support of Aberdeen, that he was not the representative of the people, and did not speak their sentiments—that he was chosen by a very few. In fact, the same objection might be made to almost every election in Scotland.

So much for the freeholders. He would now come to the application of the principle of representation to the population. In the counties, the proportion of electors to the population was one in 625; in the burghs it was one in 7,000 and upwards. Was this a state of things which ought to be allowed to remain? Was it what could be called a full and fair representation of the people? He would not trespass on the indulgence of the House, by entering into the minute detail which the subject afforded, but would confine himself to the statement of a few circumstances which occurred in the late contest for the representation of the county of Lanark, by which as good a judgment might be formed of the system, as if he entered into it more at length. About two years before the close of the late parliament, admiral Cochrane published an advertisement, stating that on the next vacancy he should offer himself for the county of

Lanark. At that time he was wholly disqualified, for he was not a freeholder, and the law of Scotland required that a candidate should be a freeholder for a year and a day. The object of his partisans from that moment was, to make a number of paper votes, to counteract the majority that had expressed itself in his (lord A. Hamilton's) favour. He accumulated a number of technical superiorities wholly unconnected with property. The contest, in fact, was merely between the government on the one hand, and himself on the other. To place the matter in the strongest possible point of view, he would state what he himself had done. He endeavoured to obtain as many superiorities as he could buy, and these he divided into as small portions as would qualify a voter, taking care that they should not exceed a single penny either way, being 400*l.* Scotch. His next business was, to find persons to hold them, and here he must observe some little mystery. Upon all the rest of the case he would be perfectly open, but he could not inform the House how he obtained those persons: that was a secret, and must remain so. If it were necessary, he should resort to the same course at the next election [Hear!]. No doubt the learned lord opposite (the lord advocate) had adopted the same expedients, or better; for no man could doubt his skill and knowledge in these matters. It was worth notice, however, that his (lord A. Hamilton's) law agents in Scotland seemed to have had a peculiar gift of knowing, from their physiognomy, what persons might or might not be trusted with superiorities, and he did not believe that, in a single instance, they had voted against him. The details of a Scotch election were somewhat amusing, and he hoped that the right hon. Secretary (Mr. Canning) would favour the House with his opinion upon them, and not deal merely in high-flown generalities. Having taken legal advice, he (lord A. Hamilton) advertised for persons to whom he might intrust the superiorities he had bought. And here he begged to read the questions that were put to voters at Scotch elections. The first was—"Did you apply for your freehold qualification?" The next, "Was application made to you to accept of the said freehold qualification, and by whom?" 3rdly, "Did you pay any price for the qualification, and what was it?" 4thly, Was the expense of making up your titles paid by you, or by whom?" 5thly, "Did you give any orders for making out your titles, that you might get your name enrolled as a freeholder?" 6thly, "Do you derive any pecuniary emolument whatever from your freehold?" 7thly, "Do you receive the rents established by your title; or if not, by whom are they received?" 8thly, "Do you consider yourself bound in honour to vote for the candidate whom you believe the grantor favours?" 9thly, "Do you feel yourself bound in honour to renounce your right, if convenient to the grantor?" 10thly, "Would you feel yourself bound in honour to renounce your right rather than vote against the candidate whom the grantor favours?" All these questions deserved attention on the part of the House, although he admitted they would excite nothing but ridicule, if any body should attempt to put them at an English election. He now came to what was called the "Trust Oath," and it was in this form—"I, A. B, in the presence of God, do declare that the land and estate for which I claim a right to vote is in my possession, and is my own proper estate, and that the same is a true and real estate in fee." Any person unacquainted with the practice of Scotch elections would suppose that a true and real estate in fee meant an estate in land. Such would be the English interpretation of the words; but Scotch electors were told on high legal authority, that it meant only the possession of what was called "a superiority."

He would now say a few words as to the mode of conducting elections; and this he considered, if possible, still more objectionable. The greatest objection to it was, that it threw so much power into the hands of the Crown, or of those dependent upon the Crown—the sheriffs of counties. In the first place, the sheriff had the right to fix the day of election; and as the right of voting depended upon possession for a year and a day, it so happened, in the case of Lanarkshire, that a great advantage was given by the sheriff to admiral Cochrane, who had made some twenty votes, a few days earlier than about the same number of voters in his (lord A. H's.) interest. Thus, his voters, by the act of the sheriff, were excluded. A great part of the science of the sheriff depended upon the fixing the days of elections; so that gentlemen who had a right of voting in various counties should not have the power of doing so. On the occasion to which he alluded, this science was displayed much to his discomfiture; for though he succeeded, he succeeded by a small, instead of a large majority. The learned lord must know, that elections were often prolonged by all sorts of chicanery, in order that votes might be ripened. If necessary, a vast deal of time was occupied by the talking of lawyers; and at the last Lanarkshire election it had been determined in consequence, that no lawyer who was not a freeholder should be heard. There were, however, about twenty still left, to talk just as much as they pleased. He recollected an instance at one Scotch election, where, it being necessary to send a messenger to Edinburgh, the lawyers undertook to talk till he should come back, and they did so; though the distance was sixty miles. It was to be observed also, that the poll in Scotland admitted of no adjournment, and scenes in consequence were not unfrequently witnessed highly discreditable to the humanity of the age. He had seen voters brought in litters, and kept at the doors to prevent their polling. The election being over, as a matter of course five-and-twenty law suits, respecting the right of voting, started up against him, and though he had succeeded, it was a great evil that the right of voting should be involved in such difficulty and mystery as to render the resort to a court of law necessary. He knew that speculations had been entered into, as to whether this or that president of a court was most likely to be favourable to government. Among what were called the old fifteen judges of Scotland, the result of a political question might be as easily guessed, as the result of a debate in that House. He agreed, however, that considerable alterations in this respect had taken place of late; but he asserted, nevertheless, that such a political bias existed in the courts of Scotland, that no man, who could avoid it, would venture within their walls with a question of that sort. He would undertake to prove that in the case of Mr. Borthwick, where he was a pursuer against the "Beacon" newspaper, that political bias had been in operation. He would stake his character and reputation upon the fact, that with eight men out of ten that political bias operated against him. After the election for Lanarkshire, he had been charged in the petition with gross and corrupt bribery; but after the law-suits were defeated that accusation was withdrawn. He should be glad to know why this odious system was to be continued. What had long been the character of Scotchmen in the eye of the world? and why was the word Scotch almost synonymous with the word job? He arraigned the House as the cause; for whenever a motion had been made to remedy the evil, it had been resisted.

He now came to his last point—the method by which he would correct the abuses he had stated. On this subject he was disposed to say very little, and would in fact, merely give the outlines of his plan. He first laid it down as a position, that he would destroy no existing right, but he would add others which did not exist. He would introduce some question between properties and superiorities, by making the vote depend in some degree upon the *dominium utile;* or, if that were not deemed qualification enough, he would include also a certain extent of personal property. The number of electors would thus be increased, and in general his object would be to approach as nearly to the spirit of the English constitution as was practicable in countries so differently circumstanced. He was aware that his plan might be attended with difficulties; but he was persuaded that it was liable to no formidable objections. The leading point he wished to impress upon the House was, that whereas Scotch county elections ought to be correctives of the Scotch burghs, they were in fact augmentations of the evil. He could conceive few things more painful than for a member to be returned by twenty or thirty self-elected council-men, while there were thousands who, if they had had a right to vote, would have opposed him. The present member for Edinburgh (sir G. Clerk) was returned by about thirty electors, while there were 30,000 of the population decidedly against him. The situation of his hon. friend the member for Aberdeen (Mr. Hume) was directly the reverse. He was elected in spite of thirty council-men, and 30,000 inhabitants of Aberdeen rejoiced in his return. The noble lord concluded by moving the following Resolutions:

1. "That it appears, by a certified copy of the roll of freeholders of every county in Scotland, as last made up, laid before this House in 1820, that the total

number of persons having a right to vote, in all those counties together, did not exceed 2,889.

2. "That, by the same return, it appears that the greatest number of persons having a right to vote in any one county, did not exceed 240, viz. for the county of Fife; and that the smallest number did not exceed 9, viz. for the county of Cromarty.

3. "That it further appears, from the same return, that many of the same persons have a right to vote in several counties, and consequently that the total number of voters for all the counties of Scotland is considerably less than 2,889.

4. "That it further appears to this House, that the right of voting for a representative for a Scotch county depends, not on the possession of the *dominium utile* of any real landed estate in such county, but on holding superiority over such estate, which superiority might be, and frequently is, disjoined from the property, insomuch that of all the persons qualified to vote for a Scotch county, there may not be one who is possessed of a single acre of land within the county; while the whole of the land may belong to, and be the property of, persons who have not a single vote for the representative.

5. That this House will, early in the next session of parliament, take into its most serious consideration the state of the representation of counties in Scotland, with a view to effect some extension of the number of votes, and to establish some connexion between the right of voting and the landed property of that country."

The first resolution being put,

Mr. *Maxwell* begged leave to second the motion, and contended, that the people of Scotland were extremely dissatisfied with the existing system, and claimed of the House that a change should be made. No doubt the support which ministers received in some places was a conscientious support, but in general their friends had displayed credulity rather than discretion. The state of the House of Commons—the feeling of the members who composed it—might be read in the general conduct which they pursued towards the country. The labouring classes were ground down by taxation. The merest necessaries of life paid tribute to the state. The manufacturer was reduced to the lowest rate of wages upon which it was possible for life to be maintained; and he was forbidden by law to carry his abilities abroad, even though he should be unable to find a market for them at home. He (Mr. M.) could hardly believe that any Scottish freeholder could look at such a state of affairs, and not feel himself, in some degree, responsible for it; that he could reflect on the manner in which the revenue was collected in his country, or of the vice and general discontent which of late years had arisen therein, without being reminded that much of that vice and discontent lay at his door. If it was worth while for a country to have a representative system at all, such a system ought to be a substantial and not a nominal one. It ought to be a system in which the people could place confidence, and not one upon which no minister could rely, if he brought forward any measure for the people's benefit.

Sir *George Clerk* believed, that the present system of Scotch representation was one with which Scotland was perfectly satisfied; at least, he had himself heard no complaints against it, and he was convinced it would be impossible to make any operative alteration in that system, without entirely changing the municipal law, and the tenure of property throughout the kingdom. He confessed that the extent of copyhold property, or of tenure tantamount to copyhold, was not so great in England as in Scotland; but why was it more anomalous for a copyholder to be without the elective franchise in Scotland than in England, where the principle was, that a man might hold a large estate for 999 years, a term as good as perpetuity, without having a vote for members of parliament, while that privilege was within the exercise of every freeholder of forty shillings a year? The noble lord opposite had talked of the subserviency of the Scottish members, and of members returned by "parchment" voters; but if the "parchment" returned members were the subservient party, how happened it that the noble lord, who was decidedly returned by parchment interest, was constantly standing forward in opposition to ministers, while he (Sir G. Clerk), coming from Edinburgh, where the noble lord admitted the voters to be real, usually saw cause to support the measures of government? He denied that there was any man of large copyhold property in Scotland—any man of 10,000*l.* a year, or of any property approaching to it—who had not, in some way or other, (though not upon his copyhold), the right of voting. If the House was to enter upon the broad question of parliamentary reform, and to decide, generally, that population rather than property was to be represented, then let the change extend to Scotland by all means; but, if property was to continue in England the basis of representation, let it be remembered that the "parchment" voters of Scotland were created by the influence of property. Honourable members spoke of the manifold evils which were entailed upon Scotland by her restricted elective franchise; but he confessed he saw none of them. During the late pressure of public distress, Scotland had suffered comparatively little; while the condition of Ireland, with all her extent of suffrage, had been wretched to a proverb. Indeed it had been doubted whether Ireland might not be benefitted by a restriction of her elective franchise. The noble lord, among other grievances which he had brought forward, complained of political bias in the minds of judges. He (the hon. baronet) believed, that upon matters connected with election rights, twenty-five actions had been brought on the part of the noble lord; and he begged to ask whether as many had not been decided in his favour as against him? The noble lord had more reason to complain of the juries of Scotland than of the judges, since it was a jury that had given him a shilling damages, in his action against the printer of a newspaper. He was sorry to hear the noble lord falling into that vein of insinuation, too much encouraged since the Union, as to the faculty of Scotchmen for making their way in the world. The prudence and good conduct of the natives of Scotland who had left their own country, had too often excited ill-feeling and jealousy. They had been charged, and most unfairly, with over-subserviency; and he was sorry to hear such charges indirectly supported by the noble lord. Feeling, as he did, that the noble lord's proposition was uncalled for, and that the act of the Union was a complete bar to its being carried into effect, he should sit down by moving the previous question upon the noble lord's preliminary resolutions, and giving a direct negative to the last.

Mr. *Kennedy* denied that the proposition of the noble mover involved the subversion of the existing tenures of property in Scotland. The hon. baronet had asked, what evils Scotland sustained from the present state of her representation. He would tell the hon. baronet, Scotland suffered that evil of which the hon. baronet's own conduct formed an illustration. The majority of her members were always in adherence to the government of the day, let that government be what it might. The fact was incontestable. It was impossible to deny, that ever since the Union, the great majority of the Scotch members had uniformly been subservient to the government of the day. In Scotland there could be no such thing as a public meeting. In the county represented by the hon. baronet, there must be at least 250,000 persons of property. No opportunity was afforded to them to express their sentiments. ["What hinders them?"] The hon. baronet asked, what hindered them? The answer was, that the constitution recognized no legal mode by which they could be called together, though a more wealthy and respectable population could not be pointed out in any part of the United Kingdoms. He exhorted the House to consider well the danger of leaving so large a population as that of Scotland, increasing as they were in property, morality, and intelligence, without any vent for public opinion. What would be the state of England or of Ireland, had they always been kept without opportunities of making known their grievances? He was convinced, that were he to appeal to the sympathies of the English gentlemen who heard him, and if the question were left to be determined by what they must feel upon this subject only, there could be but one decision, and that would be in favour of the motion of his noble friend.

Mr. *Horace Twiss* said, he hoped that, though unconnected with the kingdom of Scotland, he should be pardoned for expressing some opinions on this subject; especially as he had no intention of entering into the details of it, which had really, he thought, been disposed of in a most complete and satisfactory manner by his hon. friend, the worthy baronet near him. The noble lord had proposed a very large and wide change; but the grounds which he had laid, instead of being co-extensive with that project, were all of them narrow and particular. The greatest evil complained of by the noble lord seemed to be the inconvenience said to be sustained from the want of a power to adjourn the poll: and if his remedy went straight to that grievance, without sweeping over other matters where no grievance whatever was proved, perhaps there would be no great objection to be made; but the fallacy of his reasoning was, that from a few particular and slight inconveniences, he inferred the necessity of a sweeping reform. Not less strange was the argument of the hon. member who had spoken last; who in one part of his speech had observed, that the evils of the Scottish representative system were uncomplained of, only because the people of Scotland are indisposed to political agitation; and in another passage had made it a main argument for reform, that a vent was necessary for that political agitation which, a moment before, he had denied to exist.

But, Sir, (continued the hon. and learned gentleman) if I do not concur with the supporters of this motion in their view of the reasons for it, still less do I concur with them in their estimate of the reasons against it: among the foremost whereof I regard, what they deem of little import, the treaty of Union between England and Scotland. Why, we are asked, when all else is changing, should the elective franchise be held unchangeable? I will not descend to the narrowness of arguing that every provision of the act of Union is as incapable of alteration, as that which guarantees the respective churches of the two kingdoms; but it seems to be the opinion of the best authorities, that there are some other conditions, which were intended to be equally fundamental. Now, but for the inference suggested by the abolition of the heritable jurisdictions, which were included in the same article with the superiorities which carry the county franchise, I doubt whether it would ever have occurred to any body to suppose, that the representation and the franchise were among the items intended by the treaty to be left open for future alteration. And this, not only from the intrinsic importance of these matters themselves, an importance second only to that of the enactments touching the two churches,—but also by reason of that peculiar tendency in such topics to excite irritation, which made it manifestly necessary, that when once settled, they should be stirred no more. For, without meaning to contend that any compact ought to fetter the parties to it, from doing what may be agreed on every hand to be really for the common advantage of all concerned, we may still keep in mind that there are objects, about whose tendency toward that common advantage we never can hope for any agreement, even among the wisest and most moderate men. And *there* is the utility of preliminaries. Upon points on which parties are likely to agree, the preliminaries they may have signed matter little; but upon points on which they are prone to fall out, the preliminaries become infinitely important, as constitutional barriers against any attempt at invasion on either hand. Such our predecessors regarded that long fertile theme of distraction, the religion of the Scottish people. Such is that scarcely less exciting topic, the constitution of parliament: and therefore does the act of Union appear to have required, that subjects so pregnant with dissention should never be quickened into debate. It set down those adjustments as final ones, to be taken for better for worse, in all time coming: to be subscribed by each kingdom, not indeed in the nature of articles of faith, because opinion is uncontrolable even by law,—but in the nature of what the churchmen call articles of peace, which the subscriber, though he be tolerated to doubt, can never be sanctioned to disturb.

But then comes the argument from the heritable jurisdictions, which though secured like the superiorities which carry the franchises, by the 20th article of Union, were yet abolished by the united parliament. Sir, there is a clear distinction between the lawfulness of abolishing the jurisdictions, or superiorities, and the lawfulness of re-modelling the elective franchise. A word or two will shew it. After the propensity which had been evinced, both at the Reformation, and during the civil wars, to take away such parts of the rights and properties of the subject as savoured in any degree of public trust or of corporate interest, and that too without making any compensation to the proprietors; it was very natural that the holders of such beneficial property in Scotland, as was not strictly private, such, for example, as the heritable jurisdictions, should be anxious, when they were entering into new connexions, to put all this property upon a footing which should at once make it private, and thereby secure it against the chance of a patriotic confiscation, by those into whose hands they were now about to surrender their constitution. Seeing that they were powerful proprietors, without whose consent you could never have accomplished any union at all, you granted the stipulation which they required to protect them: a stipulation, not that their heritable jurisdictions and superiorities should, like the constitution of parliament, be perpetual, but that they should be enjoyed as they then were by the laws of Scotland, that is, not as mere revocable public trusts, but as rights of property. If, after that article, you abolished them at all, you could do it, only as the Scottish parliament before the Union, and the British parliament since, could, and very often does, take away a strictly private right of property, be it a toll, or a rent, or a piece of ground through which a road or canal is to pass—that is, by making due compensation to the owner. That was the manifest object of the reservation so carefully worded as to the heritable jurisdictions. That is therefore the true key to the construction of the reservation: and the proof of it is, that when the jurisdictions were abolished, the statute made express provision for giving compensation to the proprietors. [See 20 Geo. 2, ch. 43, s. 6—and 21 Geo. 2, ch. 23, s. 22.] But this was not the footing on which the same treaty of Union established the elective franchise. The elective franchise was not put upon any ground of proprietorship—that franchise was not left to the loose phraseology of the 20th article of Union, which made property, or confirmed as property, the superiorities and heritable jurisdictions: that franchise was guaranteed in a separate branch of the treaty *as a part of the constitution of the Scottish state itself.* Now, *so guaranteed,* I do argue that it became incapable of being overturned by the united parliament, either with or without compensation to the individuals deprived.

Nay, Sir, the very statute for the abolition of the heritable jurisdictions, which gentlemen have cited as an authority for changing the elective franchise, that very statute itself affords one of the strongest arguments to prove the elective franchise unchangeable. That statute, among other reforms, enacted, that certain lands which, for many civil purposes, had been long, by some fiction of law, disunited from the shires within which they were locally and substantially situate, and treated as part and parcel of other distant counties, should once more be deemed portion of their contiguous shires, so as to re-unite their legal with their natural locality. But the re-union thus ordained would, if no caution had been inserted to the contrary, have transferred, with the re-united lands, the corresponding rights of voting likewise to the same contiguous counties: which consequence in order to prevent, an express provision was inserted in this statute [s. 16.], that the measure should not extend to vary or alter the elective franchise. Why, Sir, if rather than make any, the smallest alteration in the elective franchise, at a time when alterations so extensive were making in the forensic jurisdictions, the legislature was fain to keep up so anomalous and inconvenient a piece of antiquity, as the arbitrary severance of the vote, not only from the particular farm that grows it, but even from the very county in which, as gentlemen opposite would say, it would naturally have gone to market,—so as to send the voter, for the exercise of his right, from Fifeshire, perhaps, into extreme Caithness—I think it is pretty strong evidence, to shew how sacred that section of the Union act, which fixed the representation and the franchise was held by lord Hardwicke and the other great authorities who carried the abolition of the heritable jurisdictions—how immutable such stipulations of the Union as bear a public and constitutional character, were considered by those eminent statesmen, even at the very moment when they were extinguishing, by a compulsory purchase, the rights which had been reserved but as rights of property.

Sir, I come now to what may be called the popular part of the noble lord's case. It would be much too large a question for me now to consider, how far it may be possible, in common reason and justice, for members who are elected by the few, to act as fair representatives of the many. The theories of reform deny that possibility—the constitution we live under affirms it; and, preferring, as I do, the experience of the one to all the philosophy of the other, I rest satisfied in the belief, that thirty members, chosen by no other constituents than the holders of two or three thousand superiorities, may be, and are, a fair representation of the entire landed interest of Scotland. But observe the more specific objection. These franchises, it seems, are often mere paper superiorities, held without an inch of land. Be it so; but do reformers deem property indispensable to franchise

[Hear !] ? If so, in what manner does the noble lord propose to deal with our populous cities, where every freeman who can pay, or get somebody else to pay, for the stamp on which his freedom may require to be engrossed, though he have no other property, real or personal, becomes straightway an elector in virtue of that paper superiority ? If property be indispensable, what view will the noble lord take of that nearest approach to the perfection of universal suffrage, the borough whose hospitable franchise bestows itself even upon a beggar, by the boiling of a pot—insomuch that the treat, which the politic liberality of the candidate may have conveyed into that magical cauldron, comes out of it, at once a supper and a vote [Hear, and a laugh!].—O, but mark the danger these paper superiorities lead to: the whole elective franchise of Scotland may come, *by possibility*, to be engrossed, by a set of voters, not one of whom shall hold a single acre of her soil. Sir, that is about as reasonable as it would be to allege, by way of objection against the English representation, that, *by possibility*, the few hundred individuals who constitute the House of Peers might buy all the lands and tenements in England, and so become masters of both Houses of Parliament. Such things, to be sure, are possible in a physical sense, and possible in a legal sense; but in a moral, practical sense, with which alone we have here to do, they are not possible at all:—and this extreme kind of hypothesis, though useful enough by way of illustration, or to try the universality of an abstract proposition, is far from being a safe guide to the undoing of existing institutions.

In general, Mr. Speaker, when a system is attacked, it is alleged to be overgrown with abuses: backslidings from its original integrity are strongly charged:—but the noble lord insists little, if at all, on that ground: his imputation upon the county electors is, not that they are corrupt, but that they are few. Why, he inquires, when England has a mixture of popular with close election, should Scotland want popular election altogether? Why should there not be something like uniformity between the two systems?—Now, independently of the obvious consideration, that two widely different systems may be better suited to the different circumstances of two different districts than any uniform system could be to both—there is this further answer to be given, that it is a mistake to speak of the two modes of election, north and south of Tweed, as if they were two distinct systems. That may have been very accurate language before the Union, but they are now distinct no longer; being equally parts of one larger and more comprehensive system: and to argue upon the Scottish constitution as if it were still a separate one, is now to take an unconstitutional as well as an inaccurate view. For Scotland, like England, at the time of the Union, gave up all separate allotment of her own, in order that, by that new charter, she might take another and more beneficial title, and become joint tenant, throughout, of our common and undivided constitution [Hear, hear!]. In settling the Union with Ireland, the representation of that kingdom was permitted to take a character, by much more open and popular than the representation of Scotland bears. But if, after giving the preponderance to the popular principle in the Irish Union—a fair compensation for the closeness preserved in the Union with Scotland—you are now to re-organize the Scottish representation also, upon a popular scheme, you then give the cast in both cases to the popular weight, and destroy the whole balance of your former arrangement. And thus, however the professed object might be mere uniformity, the actual result would be gross disproportion.—Practically too, is not the benefit of whatever is popular in the elections of England or of Ireland, just as much open to a native of Scotland, as to the English or Irish themselves? The noble lord has taken the hon. member for Aberdeen as an example in more than one passage of his argument: I have no objection to adopt the instance; and I ask whether, if that hon. member, taking advantage of his great name, should offer himself on the next vacancy for the populous borough of Southwark, his Caledonian nativity would be any bar to his English promotion? On the contrary, I doubt whether his success would not be such, that the gallant absentee (sir R. Wilson) who now fulfils by a very able deputy (Mr. Lambton) the trust of representative for that extensive district, might go near to share the lot of those unlucky birds, who, on returning from a distant flight, have the mortification to find the stranger cuckoo domiciled in their nest [Much laughter!]. The complaint therefore is, not that the Scots are excluded from their share in the popular part of the representation, but only that they must come across the Tweed to get at it. Does a Scotchman think that such a hardship? [A laugh!]. If, indeed, the converse had been the case—if the northern candidate, instead of being allowed to cull the fruits of popularity in the south, had been limited to the growth of his own soil, and, as the epigram has it, "not left to wander, but confined at home," one could have conceived the hardships of clogging the privilege with that unpalatable restriction. But at present, to speak seriously, the whole objection amounts but to this, that each of the districts does not present, within its own limits, as gentlemen would have it, a miniature of the whole united election—a microcosm of its own, which I believe would be practically as unserviceable, as I allow that it might be curious in the way of speculation. And therefore, even if I were to admit, which I do not, that the representation of Scotland had been defective, when, as before the Union, it did form a distinct system of its own, I should not therefore be bound to acknowledge it defective, when combined, as now, with the representation of the rest of the empire, any more than I should be obliged to concur with the reformers in condemning the Cornish representation, mixed as it now is with that of the empire at large, however little I might approve it as an integral system. There was nothing in the respective constitutions of England and Scotland, that should prevent them, different as they were, from harmonizing when united, and *that* without neutralizing the peculiarities of either. The principle of each representation, and especially of the English, which was the larger, was always a miscellaneous one: a principle not of uniformity, but of variety; and though, when the united constitution was built out of the separate materials, the combination included more numerous diversities than had ever before been brought together in any single design, yet diversity here was not incongruity, inasmuch as the original fabrics had both been of the composite order. If, indeed, the question had been merely upon the *taste* of this or that theory of representation; if the dispute were simply whether variety, or uniformity, would have the finer effect in laying out the ground-plan of a constitution, one might be more ready to accommodate matters, and yield a little upon the great contention, whether it would be more tasteful to leave our land, both north and south, in its present natural swells and falls, or to square it out, as the theoretical reformers would have us, into a smug parallelogram of smooth-shaven terraces, and regular quincunx, where

——— "each alley has a brother,
"And half the platform just reflects the other."

But ours is a constitution not kept altogether for ornament. We want it for work and for wear; and if there be any one of its principles to which, more than to any other, I believe it to be indebted for that faculty of self-adaptation to the circumstances of all times, which has preserved it, under the blessing of Providence, through so many centuries of chance and change, it is that variety in its combination by which it has always been enabled to bring some fresh energy forth, suited to the nature of the particular difficulty which may press it. Of all the arguments, therefore, which can be urged in favour of these resolutions, that which turns upon the expediency of trimming the different kingdoms to a common measure, is that which seems to me the least entitled to regard; because it proceeds upon a fanciful analogy, one which has no existence in fact, and which the spirit of our plain constitution not only disavows, but absolutely and repugnantly rejects.—The hon. and learned gentleman sat down amidst cheers. After which the question was loudly called for, and the gallery was partially cleared for a division, when

Sir *James Mackintosh* rose. He began by complaining of the small number of the gentlemen of England who were present at the discussion of a question of such vital importance, and of the still smaller portion of attention which that question seemed to command. These circumstances had induced him to offer a few remarks upon the arguments of the hon. baronet, and of the hon. and learned gentleman who spoke last. He begged leave to remind the House, that the hon. baronet had attempted to couple the present question with the general question of Reform, but that there was not the slightest ground for so doing; seeing that the measure now proposed would not pledge any man to vote for any other measure. The hon. baronet had had recourse to the usual argument of the scattered abuses which were found in the English constitution. He had introduced the case of the exclusion of copy and leaseholders from the franchise, as a justification of the case in Scotland. This argument did not, however, meet the reasoning of his noble friend either fully or fairly, as his noble friend had two grounds of complaint—the exclusion of real freemen from the franchise, and the admission of those who were not freemen. Now, there was in the practice of England no parallel to the latter of these, and it was the one which called most loudly for reformation. He would ask, what there was in the exclusion of the copy and leaseholders of England from the franchise, which could be pleaded as a precedent for the admission of the paper freeholders of Scotland to that right? Although these were excluded, still the great mass of the English counties were freeholders, and in the representation of these the mass of the county was represented. The freeholders had, no doubt, their due ascendancy; but still that did not destroy the general effect of public opinion. The representation of Scotland was not arraigned because it excluded a few leaseholders and copyholders, but because it excluded bodies of men who were the real possessors of the property of the country. But, said the hon. baronet, the case of Scotland was not worth the consideration of Englishmen. If, however, such a case was to be given up—if it was to be disregarded or treated lightly by the gentlemen of England—then he would say, that they had renounced every English idea. He would appeal to the feelings and to the conscience of every independent man, whether it was just to take this paltry pettyfogging view of the question. It had been urged, that Scotland was a province of Great Britain, and that, as the degrees of political right and political feeling varied in the different provinces, there was no reason to complain, though in Scotland it was nearly extinct. But he would ask whether there was any district of England where political feeling was extinct? Even in Cornwall, the very home and holy land of boroughmongering, the feelings of freedom were not extinct. No doubt it had been buried under an immense mass of corruption; but still it was cherished with religious care. This was the cause of the want of parallel between Scotland and England. The whole of England, from Cornwall to York, was subject to the same laws. In Scotland, however, the case was the reverse. The laws and their administration were not the same there as in England; and, if the people had worse laws, they had need of a more liberal representation than in England. It was true that the constitution of England was the security for the liberties of Scotland; but the advantage which Scotland derived in that way was very different from that which was derived by an English province—it was much the same as that which was enjoyed by the people of India.—The hon. and learned gentleman who spoke last had urged the articles of Union as a reason why there should not be any change in the representation of Scotland. He had admitted, that the contracting party was at liberty to make any change which might be of advantage; but, somehow or other, he had forgotten to show that the change of the representation did not belong to that class. The hon. and learned gentleman had got over the case of the abolition of the heritable jurisdictions with much ease,—because they were matters of property. Yes, because they were matters of property! Now, in his (sir J. M.'s) opinion, this was a much more difficult business to get over than any thing which applied to the county elections. In the proposal of his noble friend, there was no right to be taken away from any man—it was merely proposed to give to the people that which appeared to be their right.—There was another argument which had been set up by the hon. baronet and the hon. and learned gentleman, against the change suggested by his noble friend, and that was the antiquity of the present system. He would, however, tell them, that things had not been always so; and that the present mode of county representation formed no part of the original law of Scotland. He should not find it necessary to go back to the romantic or ideal period of Scottish history, to the time of Hugo, the great emperor of the Picts. There was enough for his purpose within the range of authentic history, and even in the statutes of the country. In those statutes a more ample and liberal system of representation was recognised; and it had been confirmed at the Revolution by an extensive reform in the county representation. Those who had the conduct of the affairs of Scotland had done well in that they had prevented the return of the exiled tyrants; but if, at the same time, they had prevented all improvement in the mode of representation, Scotland would have had little cause to thank them upon the whole. The fact was, that the representation was liberal in Scotland, at a time when it was barely known in England. Whatever might be said of their prudence, the Scottish reformers had pursued bolder measures than those of England. By a statute of James 1st, in the year 1427, which was coeval with the English statute for regulating the elections of English commoners, it was enacted, that two or more wise men should be returned out of each sheriffdom to serve in parliament, according to the largeness of the shire. This statute was re-affirmed in 1587, under James 6th, of Scotland (James 1st of England), in nearly the same words. There had too been a claim of rights, analogous to the English bill of Rights, and articles of grievances agreed to by the Scotch parliament. The articles of grievances were presented to William and Mary, together with the crown of Scotland, in April, 1689. Among other things, they required a more full and impartial representation of the lieges in the Scotch parliament. This did not remain a dead letter, but in June, 1689, when the Scotch church establishment was settled—when the fundamental laws and institutions were finally to be adjusted—the reform of the county representation was settled also. The former declaration was cited, together with the statutes of James 1st and James 6th, and the county representation was enlarged. The larger counties were to send 26 members each (only two from each shire had been allowed previously), the smaller ones were to send 9. Sixty-five commissioners of shires were ever after to sit in parliament, and 66 more burgesses, making an addition of one-half to the whole representation of Scotland—one-fifth to the Commons' representation. It appeared then, that nearly four hundred years ago, the people of Scotland looked for a better representation than they then enjoyed; and that it was on the condition that their representative system should be improved, that they agreed, at the Revolution, to place William and Mary on the throne. His noble friend, he contended, had never called for a more extensive reform than that which the parliament of Scotland had itself demanded. Thus, as he had described it, stood the representation of Scotland, at the period of the Revolution, and until the Union of the two nations was effected; and, by not following up that which had been previously promised, as great a breach of trust had been made, as if the Presbyterian church government had been overturned: not because the promise was established by law, but because it was a matter of compact between the king and the people at the time of the Revolution. At that period a remedial measure was proposed, and his noble friend now wished that a remedial measure, commensurate with the evils which were complained of in the present day, should be carried into effect. It was not until the progress of commerce had enriched the inferior classes, that there was, in the parliament of Scotland, any important number of land-owners, except the tenants of the crown *in capite*. The great body of the people, oppressed by a feudal system, were not represented. The nobility and ancient gentry might be said to have been represented, but no others. The situation of the people was deplorable. That great man who might be denominated the last of Scotchmen, who never laid himself open to those common imputations which the hon. baronet had so liberally used—that high-minded individual, whose integrity and independence had earned the glorious eulogium that "he would cheerfully lose his life to serve his country, but that he would not do a base act to save it,"—that venerated man, Andrew Fletcher, of Saltoun, patriot as he was, and much as he loved his native land, felt so sensibly the lamentable situation in which his countrymen were placed, that he declared himself willing to accede to a system of slavery, by which he believed their condition, as compared with that in which they then stood, would be improved. He said this because he saw that the plans of representation which were at that time proposed, embraced the rich, the great, and the powerful, but excluded the people in general.—The hon. baronet, in the elucidation of his views on this subject, had adverted to the state of the representation in Ireland. He could not have had recourse to a more unfortunate exemplification. He (sir J. M.) knew perfectly well the state of the representation in that country. There was an abundance of voters. But of what description? They were nominal and fictitious voters. The multiplication of voters of this kind was the bane and curse of Ireland. They had no opinion of their own. They were driven to the hustings, there to vote just as the proprietor of the soil pleased. Between the proprietor of the soil and the voters thus fabricated, there was no community of interest, there was no reciprocity of feeling, which was the link that bound together the landlord and the tenant in this country—It was the true source of a fair and legitimate influence—of that influence which he hoped would never be extinguished in England. The voters of Ireland were driven, like slaves, or rather like irrational brutes, to give their votes; when, in reality, they had no voice in the election, but were compelled to act as others dictated. In the present instance, the people of Scotland complained of nominal and fictitious voting; and it astonished him that the hon. baronet should have met that complaint by referring to a place where nominal and fictitious voting had produced such baneful effects. He had long lived in England. He had spent his life in studying the practical effects produced by a free constitution; and he was convinced, that the greatest blessing they could bestow on the people of Scotland, would be, to approximate, as nearly as circumstances would permit, the system of election adopted in Scotland to that pursued in this country. He was ashamed to hear it said that the constitution of England was unfit for Scotland, at the very time when they were reproving other nations for not bringing their constitutions nearer to the great model of justice and liberty. Mr. Burke had truly said, that "liberty was not an evil to be limited, but a good to be increased." The observation was founded on the experience of ages. As much liberty as there was in a government, so much happiness would there be in a country. Liberty was the great stimulant which called forth genius. It was the school of every public and every private virtue. The nearer they approached a pure elective system, the nearer were they to rational liberty. If these, then, were its beneficial results, upon what ground was Scotland to be denied even an approach to the enjoyment. He begged the House to recollect, that in giving its support to a measure which led to such an approximation, it was not to be presumed that it was committed on the question of popular representation. He acknowledged himself a friend to parliamentary reform; but, in the present instance, there was no analogy between that question and the motion before the House. Should hereafter any hon. member who supported the present motion be charged with inconsistency because he opposed the general question of reform in the representation, he pledged himself to be the man, who would prove that the charge was ill-founded—that there was no necessary connexion between a vote for the motion of his noble friend, and the larger question of parliamentary reform. The House would bear in mind, that no popular election whatever existed in Scotland. To refuse the rights of freemen to a neighbouring people, so fitted by knowledge and by property, for the enjoyment of them, was a system of policy not merely unjust towards Scotland, but dangerous to the security of the empire at large.

Lord *Binning* entered his protest against the assertion, that the present motion had no connexion with the question of reform in England. The proposition of the noble lord, with respect to the county representation of Scotland, would make a greater change than the adoption of universal suffrage in England. Much had been said about the want of freedom in Scotland; but he would appeal to any English gentleman who was at all acquainted with the state of Scotland, whether he did not consider it a perfectly free country? If the people of Scotland had been dissatisfied with the state of the representation of that country—if they had entertained the same views as the noble lord did on the subject—they would have been forward enough in letting the House know their opinions. But he denied that they wished for the projected change; and he would not consent to unsettle the whole system of representation in Scotland, for the advantage that might be derived from a few votes at a county election. It was said, that all the members might be elected by persons not residing in Scotland. This was the fact theoretically;—but, practically, it was not the case. There was no part of the empire in which the land was more decidedly in possession of the elective franchise. If the noble lord's statement had been true, it would have been a ground for some change, but he denied its correctness. The noble lord had stated the fact, that in the county of Lanark there were 95 superiority votes; but he had not shown how they were connected with the land. Now, twenty of those votes belonged to the landed estate of the duke of Hamilton, and twenty to the landed estate of lord Perceval. Here were 40 out of 95 directly connected with the land. This might be a bad system; but, whether good or bad, it was clearly connected with the land; and when he showed that it was so connected, he overturned the noble lord's argument. He had heard no complaints against the existing system, amongst the people of Scotland; and he believed it would be allowed that the peasantry of that country were as enlightened and as happy as any portion of the empire. The noble lord had not proved that any abuse had taken place under this system; and therefore he trusted the House would not be induced to alter it. When it was stated that there were only 2,889 voters, gentlemen, who were unacquainted with the subject, doubtless felt considerable surprise at the smallness of the number; but the house had no notion of the very limited number of landed proprietors in Scotland. The extreme barrenness of the soil necessarily reduced the number of proprietors. It required a very large piece of land, in Scotland, to realize 100*l.* a year. Therefore, when 2,889 proprietors were spoken of, that number, in Scotland, was equal to a very large number indeed in this country. He was convinced, that the introduction of popular elections in Scotland would not produce any of those blessings which the noble lord had pictured. Besides, the plan of the noble lord was by no means clear. He was quite certain that any alteration would be mischievous; and he would contend that they had no right to interfere with that article of the Union which applied to this subject, unless it was for the benefit of the people of Scotland. The people of Scotland had not called on them to do so: and they ought not to be induced to alter the law, either upon the arguments of the noble lord, or the reasonings of general theorists, however ingenious those reasonings might be.

Mr. *J. P. Grant* supported the motion of the noble lord. With reference to the article of the Union which had been so frequently alluded to, he held it to be perfectly clear, that no country could bind its posterity by any stipulation which the circumstances of the moment had created. He was clearly of opinion, that no gentleman who voted for the proposition now before the House, would be bound, in consequence, to support any motion for a reform in the representation of this part of the kingdom. He did not wish to conceal his sentiments on the question of general reform; but he abstained from doing so, because he thought it was better that they should confine themselves to one tangible point. This question was said to affect only a district of the empire. But how could any gentleman who recollected that that district contained two millions of inhabitants—who considered that it was rich in every attribute which constituted power and greatness — argue that it should have no popular election of any kind, and assert, that such a state of things could have no prejudicial effect on the general prosperity of the country? If the House looked to the case of England, what was it, he would ask, which connected the higher and lower classes together, and brought all portions of the community into communication with each other, but popular representation? While in England all classes took the warmest and most anxious interest in a popular election, in Scotland the case was quite the reverse. The question then was, not as to the providing any specific remedy for the evils of Scotch representation, but whether or no those evils did really exist. On these grounds he gave his hearty support to the motion.

The *Lord Advocate* said, that at that late hour, although he had originally intended to go into the subject, he should not now discuss it at any length. He admitted, that those who were attached to the English system of representation, could not be favourable to the system of Scotch county representation. But gentlemen would do well to consider whether seeing that such as it was, it was approved of by the people of Scotland, they would do right to force a new system upon them. As it now stood, it was as ancient as the reign of Charles 1st, and had remained unaltered and uncomplained of since the time of the Union of the two crowns. The hon. and learned member for Knaresborough had spoken of the complaints made by the people of Scotland at the period of the Revolution, and the remedies proposed in the mode of representation; but there was then no subject of complaint but one, and that was, that where the large counties returned two members, the small counties returned the same number. To this sole cause of complaint a remedy was applied, by allowing an additional number of county representatives; and since that event, the people have expressed no dissatisfaction on the subject. He contended, that the more powerful country of England was not entitled to make a change in the representation of Scotland, unless the necessity for it was clearly proved; but no such change was called for by the people of Scotland. Had there been one petition in favour of such a change? What had the noble lord been about for these three years, during which he had been bringing forward motions affecting the elective franchise in Scotland, that all that time he had not procured the support of one petition? The House had been told, that there were no popular meetings in Scotland; but the fact was otherwise; popular meetings could and had taken place in the towns, and he did not see what was to prevent popular meetings in the counties. In the counties, all the freeholders, the justices of the peace, the commissioners of supply, and every heritor had a vote. How, then, could it be said, that there was no such thing as a popular meeting in Scotland? Were the people of Scotland so blind to their own interests, or so inveterately stupid, as to neglect a matter of essential national benefit, if they regarded a change in the representation in that light? If the state of the representation was a grievance, would it be passed over by a people who treated all measures of national import with wisdom and intelligence? He could instance the tithe question, the game laws, the poor laws, and the laws relative to insolvent debtors. It was, therefore, to be inferred, that they would have been fully sensible of the necessity of the present proposition, if it were really founded in a true view of their interests. He entreated gentlemen not to suppose that this was an isolated question. Let them be assured, that if it was carried, it would be a great advance towards the carrying of the general question of parliamentary reform. On the grounds he had stated, he should oppose the motion altogether.

Lord *Milton* observed, that an erroneous impression had gone abroad with respect to this question, as if it were interesting to Scotland alone. Now, he considered it interesting to the whole united empire. If it were the law and the practice for the Scotch members to confine themselves to subjects of Scotch legislation, the question would in that case exclusively affect Scotland; but as the representatives of that country had a vote in the united legislature, the question was one of imperial interest. It was not denied that the Scotch system of representation was imperfect, and the learned lord had allowed that there was a body in the Scotch counties capable of forming political opinions, and, consequently, as capable as the corresponding body in England of exercising the elective franchise. He believed the middle class of people in Scotland the most moral and virtuous in Europe. What reason, then, could there be that the elective franchise should not be intrusted to them? But it had been said, that if this improvement were conceded to Scotland, something of the same nature ought to be granted to England. He did not see the connexion between the two questions. That might be necessary in Scotland which was not so in this country. He should give his warm support to the motion.

Lord *Glenorchy* said, he felt he should be wanting in the discharge of his duty to his country, if he did not express his decided concurrence in the motion of the noble lord. If there had been no petition in favour of the motion, it was because public sentiment had not the organ of county meetings in Scotland; but it was not less true, that the people of that country wanted a full, ample, and equal representation, instead of the system now existing, which was marked by egregious absurdity and injustice [Hear, hear!].

Lord *A. Hamilton*, in reply, took occasion to observe, that the heritors of Scotland who were not represented, were, in every other respect, similar to the yeomanry of England, who were represented in parliament.

The previous question being put on the first resolution, the House divided: Ayes, 117; Noes, 152; Majority against lord A. Hamilton's motion, 35. The announcement of the numbers was received with loud cheers from the Opposition benches.

List of the Minority.

Abercromby, hon. J.
Althorp, visc.
Anson, hon. H. G.
Baring, H.
Barnard, visc.
Belgrave, visc.
Bennet, hon. H. G.
Bentinck, lord W.
Benyon, B.
Bernal, R.
Birch, Jos.
Boughton, sir W. R.
Browne, Dom.
Buxton, T. F.
Calcraft, J.
Calcraft, J. H.
Calvert, N.
Carter, J.
Cavendish, lord G.
Cavendish, H. F. C.

Corbett, P.
Chaloner, R.
Clifton, visc.
Colburne, sir N. W. R.
Creevey, Thos.
Crompton, S.
Cradock, col.
Davies, S.
Denison, W. J.
Denman, Thos.
Duncannon, visc.
Ebrington, visc.
Ellice, E.
Ellis, G. J. W. A.
Evans, W.
Fergusson, sir R.
Folkestone, visc.
Frankland, R.
Glenorchy, visc.
Grant, J. P.
Grattan, J.
Grenfell, P.
Guise, sir B. W.
Gurney, Hudson
Heathcote, G. S.
Heron, sir R.
Hobhouse, J. C.
Hutchinson, hon. C. H.
Hume, J.
Hurst, Robert
James, Wm.
Jervoise, G. P.
King, sir J. D.
Kemp, J.
Langston, J. H.
Lawley, F.
Leader, W.
Lennard, T. B.
Lushington, S.
Maberly, J.
Maberly, W. L.
Mackintosh, sir J.
Marjoribanks, S.
Marryat, J.
Martin, J.
Maxwell, J.
Milbank, M.
Milton, visc.
Moore, P.
Mostyn, sir T.
Neville, hon. R.
Newman, R. W.
Newport, sir J.
Normanby, visc.
Nugent, lord
O'Callaghan, J.
Ord, W.
Palmer, C.
Palmer, C. F.
Pares, Tho.
Pelham, J. C.
Powlett, hon. J. F.
Poyntz, W. S.
Ramsden, J. C.
Rice, T. S.
Ricardo, D.
Ridley, sir M. W.
Robarts, A. W.
Robarts, G. J.
Rumbold, C. E.
Russell, Lord J.
Russell, R. G.
Robinson, sir G.
Scarlett, J.
Scott, James
Sefton, earl of
Smith, J.
Smith, hon. R.
Smith, W.
Smith, R.
Stanley, lord
Stewart, W. (Tyrone)
Sykes, D.
Talbot, R. W.
Taylor, M. A.
Tennyson, C.
Tierney, G.
Titchfield, marq. of
Townshend, lord C.
Tulk, C. A.
Webb, Ed.
Whitbread, S. C.
White, L.
White, col.
Whitmore, W. W.
Williams, John
Williams, W.
Wood, M.

TELLERS.

Hamilton, lord A.
Kennedy, T. F.

PAIRED OFF.

Knight, R.

The previous question was then put on the 2nd, 3rd, and 4th resolution, and negatived. The last resolution was then put and negatived.

Lord *Milton* said, he could not help expressing a hope, that the result of the division which had just taken place would be well considered by the whole country; and that in it the inhabitants of Scotland, who take an interest in the state of their representation, would see a much nearer prospect of their wishes being accomplished than some gentlemen who spoke in the early part of the evening had anticipated.

Sir *J. Sebright* could not omit that opportunity of stating, that he had been accidentally locked out during the division. Had he been in his place, he should have thought himself unworthy of the seat he had in the House, if he had not given his vote for the motion.

SHERIFF OF DUBLIN.] Mr. *J. Williams* rose, in the absence of his hon. friend the member for Westminster (sir F. Burdett), to give notice, that on Thursday the 12th instant, that hon. baronet would submit certain resolutions to the House relative to the late investigation into the conduct of the sheriff of Dublin.

SALE OF GAME BILL.] Lord *Cranborne*, on moving the second reading of this bill, observed, that the details of the measure would be best discussed in the committee, and respecting them he should therefore reserve himself until that stage arrived. Against the principle of the measure he was not aware that many objections could be made. He referred to the evidence given before the committee, to show the great quantity of game which was annually disposed of in the London markets. The object of the bill was, to take that supply out of the hands of the poachers, and place it in those of licensed dealers.

Sir *John Shelley* objected to the bill, that it would not only increase the number of poachers, and add to the demoralization of the lower classes, but would tend also to the entire annihilation of the game. He much doubted whether the bill would increase the sale of game; and observed on the great difficulty there would be in keeping the market regularly and fully supplied, as it was not to be supposed that every gentleman would dispose of his game. He much doubted whether the fair trader would be able, as it was said, to undersell the poacher. How should he, when the latter stole that which the former paid for? He begged to refer honourable members to the well-known story of the rival broom-sellers. The one asked the other how he could afford to undersell him, since he stole the materials. "Why," replied the other, "I steal mine ready made." On this principle, he was persuaded the licensed man would not be able to compete with the poacher. The bill would take away the odium of selling game, and increase thereby the number of poachers; for every farmer's son and small tradesman would fall into their ranks, and the difficulty of convicting a poacher would be increased in the same proportion as their numbers increased, sheltered as they would be by the licenses to be granted. He declared that he looked upon field sports as a part of the political institutions of the country, which this bill would have a direct tendency to destroy. He could not approve of a law which went to alter the good old habits of the country, and induce gentlemen to sell that for a paltry consideration in money, which, as it was now disposed of, gave equal gratification to the donor and the receiver. He would therefore move, by way of amendment, that the bill be read a second time on the 1st of September next.

Lord *Deerhurst* seconded the amendment. The bill, in his opinion, would increase the number of poachers by as many as there were idle men to be found in each parish in the country. He insisted strongly on the policy of encouraging country gentlemen to live on their estates, by securing to them the amusements to which they were accustomed. Legalizing the sale would have the effect of destroying the game. He would, therefore, resist the bill upon that principle, though he was willing to vote for the correction of the game laws in any salutary way.

Mr. *W. Peel* objected to the bill, which, if passed into a law, would confine the possession of game to persons occupying large tracts of country.

Mr. *Poyntz* said, he could not agree with those who thought that the passing of the bill would decrease the quantity of game or increase the number of poachers. The offence of poaching had been carried to a great extent of late years, in consequence of the miserable pittance which labourers had been accustomed to receive for their labour. That class of persons had preferred poaching to being employed for a few shillings a week in breaking stones on the highways. One reason which would induce him to vote for the present bill, was the severity, he might say the unconstitutional severity, of the existing game laws, which rendered it, in many instances, impossible for magistrates to enforce them. He thought, also, that respectable tradesmen, who possessed the pecuniary means of regaling their friends with game, should be invested with the legal right of so doing. Any change that might be made in the law as it stood at present, must be for the better.

Mr. *S. Whitbread* was convinced that the laws respecting game required to be amended. He saw that the offence of poaching had grown with the growth and strengthened with the strength of those very laws which were enacted with the intention of suppressing it. Those laws, under their present severity, were a disgrace to the national character, and a great cause of the demoralization of the poorer classes.

Mr. *Brougham* said, he concurred in what had fallen from his hon. friend who spoke last, and from the hon. member for Chichester, respecting the system of the game laws. He felt as strongly as they possibly could do, not only disapprobation, but an abhorrence, of that system and its principles—if any thing in itself so unprincipled could be said to have any. Any thing which was calculated to mitigate the evils of that system he would hail with the greatest satisfaction. But a specific measure being here proposed for his adoption, he was bound, in the first instance, to inquire—agreeing as he did in all that had been said in reprobation of the old system—whether that which was intended as a substitute for that system was likely to produce the effect which was expected therefrom. Nevertheless, when he looked at the bill, however he might approve of the principle on which it proceeded, and whatever credit for humanity he might give to the noble lord who had brought it forward, he could see nothing in it which entitled it even to the benefit of a doubt in his mind, as to whether he should support it or not. Did gentlemen know what they were about to give their approbation to? Did they know what the bill was? Were any persons led away by the cry of "we are about to abolish the game laws?" If such there were, to them he would say, that they would not abolish the game laws by passing this bill. They were, indeed, about to preserve the worst parts of the system. Some gentlemen, perhaps, were led away by the cry of "let us legalize the sale of game." But would that be done by the bill? No such thing. He would tell those who were so anxious that the bill should pass, what they were about blindfold to give their sanction to. One of the objections to the present system of game laws, and a most just one he considered it, was the monopoly which they gave to landholders, to the exclusion of those who were not landholders or proprietors of freeholds to the value of 100*l.*, or leaseholders to the value of 150*l.* per annum. The bill before the House maintained the land-owners in possession of all their former monopolies, and gave them a new one in addition; by declaring that they alone should have the right to sell game. It was not enough that they alone should be allowed to kill game, but it must be proposed to make them also the exclusive traffickers in it. Were magistrates at present too much divested of power and patronage? Those who thought so, would do right to vote for the present bill; for it would increase the patronage of justices of the peace. It provided, that no person should buy a single head of game, unless he obtained a license from a magistrate at petty sessions. That was one of the greatest objections to the measure in his mind. If another bill should be brought in to legalize the sale of game, by making it private property absolutely, and declaring every man to be the owner of the game which was bred and nurtured on his own ground, he should know how to deal with it. Such a bill might be liable to objection on many grounds; but it at least would be free from the objection which he had to the present measure; namely, that it was inconsistent with its own principles. Being of opinion that the bill under the consideration of the House was radically defective, fundamentally improper, and inconsistent with itself, he felt himself bound—opposing still the present system of the game laws—to vote against it.

Mr. S. *Wortley* expressed himself anxious that some change should be made in the game laws, the first step to which was to legalise the selling of game. No man could doubt but that the markets were abundantly supplied at present; and the effect of the existing law was, to throw that supply into the hands of poachers. He did not mean to contend that poaching would be put an end to by the measure before the House, or by any measure that could be devised; but it was reasonable to expect, that as the risk increased, and the temptation diminished, poaching would diminish also. As to the qualification to kill game, the sooner it was placed upon the system which prevailed in Scotland the better it would be for the country.

Mr. Secretary *Peel* said, he was an advocate for the present measure, though he would allow that he was originally prepossessed against it. He did not imagine that the power of granting licenses for retailing game was given to magistrates for the purpose of patronage, but only because there were no other persons in whose hands that power could be so fitly placed. The introduction of the legal proprietor into the market, would *pro tanto* have the effect of preventing the illegal sale of game. For these reasons he should support the bill; not as the best measure that could be devised, but because it went some way towards correcting the defects of the present system.

Mr. *Tennyson* supported the amendment in a speech which was inaudible in the gallery, in consequence of the impatience in the House for the question.

Sir *T. Ackland* rose amidst incessant cries of "question." He expressed his sorrow, that the learned member for Winchelsea could not give his support to this bill. He trusted, however, that the learned gentleman would not oppose the measure at its present stage, but would wait to see its details after it came from the committee. If he did not then approve of the bill, he could reject it on the third reading. The existing laws were so bad, that if the house allowed them to continue for another twelve months, it would be giving its sanction to a system of crime and bloodshed.

The House divided: For the second reading 82. Against it 60. Majority 22. The bill was then read a second time.

HOUSE OF LORDS,

Tuesday, June 3.

FOREIGN WOOL.] The Earl of *Harewood* presented two petitions from the woollen manufacturers of Leeds and Huddersfield against the duties on foreign wool, and observed on the inexpediency and injustice of the duties in question.

The Earl of *Liverpool* said, that some years ago a duty was laid on foreign wool, and it was then predicted that it would not be productive; but the contrary was the fact, the duties having risen from 250,000*l.* to 400,000*l.* per annum. This was the state of the question as it regarded revenue. But had any injury been sustained by the woollen manufacturers? Their lordships would find from the returns on the table, that the exportation had increased. He admitted that, with respect to some parts of Europe, that was not the case; but it was very doubtful whether that could be imputed to the operation of this tax, or whether it did not arise from those causes which had affected the agriculture of the rest of Europe as well as our own. The question then stood thus: with respect to revenue, the tax was productive; while, as it regarded manufactures, it was not injurious. As to the justice of the tax, he would only say that he was willing to give up all the advantage of the 400,000*l*. a year to the revenue provided the manufacturers would agree to the free exportation of wool; but so long as they objected to the one, he should not feel justified in giving up the other. He thought this no more than fair as it regarded the interests of agriculture. The manufacturers had been made fully acquainted with the views of government, and, under the present circumstances, he did not feel justified in supporting the prayer of their petition.

Ordered to lie on the table.

MARRIAGE ACT AMENDMENT BILL.] On the order of the day for going into a committee on this bill,

The Earl of *Westmorland* rose to move, that it be an instruction to the committee to leave out the clause relative to the voidability of marriages. He did not object to the principle of that clause with any view of lessening parental authority, nor with any desire to take away from minors the protection which it was calculated to afford them; but he opposed it, because it was entirely nugatory, so far as regarded the ends proposed. He objected to it also because it was an alteration of the law of the land, without necessity. The alteration at the time of lord Hardwicke's bill being brought in was necessary, as there was a grievance then to be redressed; but he had heard of none now existing. He objected to the measure on moral, religious, and legal grounds; and also because it was nugatory and inoperative to any beneficial purpose. The noble earl argued the question at some length, on the grounds he had stated, and particularly dwelt on the legal difficulties arising out of the clause, as respected the consent of the parents or guardians. If the mother were not a widow, though professing to be one; or if the guardian were not duly appointed, the marriage would be invalid. If there were only one witness to the will, which, by the act of Charles II. required two, then the guardian was not legally appointed, and the marriage was invalid. What, he would ask, was to be the state of the husband during this temporary occupancy of the person of the woman? Was he to have marital rights over her property? Could he buy, sell, or receive rents?

The *Lord Chancellor* suggested whether it was competent to the noble earl to move an instruction to the committee to leave out a clause. He did not recollect any instance of it. It was of constant occurrence to move instructions to committees to insert clauses; but if it were competent to the noble lord to move to leave out a clause, other noble lords had the same right, and might exert it; so that the house would never get into the committee.

The Earl of *Westmorland* said, if he was out of order, he would put himself right by opposing the going into a committee on the bill. If the Bank Directors allowed stock to be sold out, or if a trustee allowed an estate to be disposed of, under the authority of the husband, *de facto*, were they to be responsible? This was a very serious part of the question; and if money were lent upon the security of such property, he believed no person, however learned in the law, could state what would be the event of it. That the clause would be nugatory for all good purposes would be obvious, when their lordships recollected that there were steam boats to Scotland and to France, and that a secret marriage by bans might easily be effected. If the husband desired to be legally married, he had nothing to do but to be married over again, as he had the possession of the person of his wife, and might take her where he pleased. This clause, in its operation, had been compared to offences against the state. Now, in cases of high treason, the mercy of the sovereign could mitigate the sentence of the law, and restore the forfeited estates; but the penalties by this clause were irrevocable.

The House resolved itself into a committee, on the clause for allowing the bishop, with the consent of the patron and incumbent, to authorise the publication of bans in any public chapel.

The Bishop of *Chester* feared that the necessity of the consent of the patron and incumbent, would render the clause inoperative.

The Archbishop of *Canterbury* defended the clause, as necessary to the preservation of the rights of the patron and incumbent.

The clause was agreed to without amendment.

The clause relating to the "voidability of marriages" being read,

The Archbishop of *York* said, that the marriage contract was a solemn obligation made in the sight of God, and therefore ought not to be dissolved for any involuntary error which the parties might have made. The marriage ceremony called upon the parties to declare whether any lawful impediment existed to their union. On the sincerity with which they made this declaration, the legality of their marriage ought, in a religious point of view, to depend. To a marriage so solemnized, the words of our Saviour must apply—"Those whom God has joined, let no man put asunder." In his opinion, therefore, this declaration having been made by the parties, there could be no impediment, except a previous contract and affinity within the prohibited degrees, which ought to effect a dissolution of their marriage. Applying this principle, then, to the clause before the House, he objected to the *bonâ fide* marriages of minors being dissoluble for any other reasons. His objection was not only founded upon religious grounds, but upon the injurious effects which it must produce upon the morals of the people, by enabling dissolute minors to effect the purposes of seduction under the cloak of religion. This clause bore with peculiar hardship upon females; he could indeed see no circumstances under which the parent of a woman so married, ought to wish to have the marriage annulled. He besought their lordships to consider, when the intentions of the parties had been honourable and just, what their feelings must be during the twelve long months which must elapse before they could be assured that the union upon which they had staked all their hope of happiness, should be a lasting one. Nevertheless, he was so well aware of the evils which ensued to families from the inconsiderate marriages of minors, that he would willingly support any measure, the object of which should be to prevent them, short of the dissolution of *bonâ fide* marriages. Recollecting that while the power of solemnizing marriages by bans remained, and that such marriages being indissoluble, this clause could not therefore have a very extensive effect; and feeling the weight of the observations which he had now submitted, he must give his decided opposition to the present clause.

The Bishop of *Chester* declared his intention of opposing the clause. Marriage was a religious and a civil contract. It was religious, because the parties swore before God to keep the vow and covenant between them made, unto their lives' end. On this subject the religious customs of all countries, in all times, had been substantially the same. As a civil contract it was of the highest solemnity. It was evident that God, willing the happiness of his creatures, had prescribed the institution of marriage. Where the Deity had expressly spoken, implicit obedience was the duty of mankind. Where his commands had not been given, it was competent for man to make laws. Upon this principle rested the validity of all laws, and among others, that of those relating to marriage. He could not but consider the clause before the House as contrary to the Christian code. The Divine legislature directed, that "a man shall leave father and mother, and cleave unto his wife, and they twain shall be one flesh." It was impossible that words could be more explicit. He had said also, "what, therefore, God hath joined together, let not man put asunder:" and had enjoined that wives should not be put away, save for adultery. Taking, then, all these texts together, it was obvious that the law of man ought to be made agreeable to the expressed law of God. Marriages were at present solemnized by the law of God, and by the law of man. It was worse than a mockery to say that a man might be married with all the sanctities which religion could confer upon the contract,—that, after a minister of the gospel had pronounced him married in the name of the Father, the Son, and the Holy Ghost, the caprice of parents should undo so solemn a compact. The laws of man might vary, but the laws of God could never change. This argument weighed upon his mind with a force compared to which, all other considerations appeared insignificant. If their lordships next proceeded to consider the subject in a merely moral point of view, they would see on one side the wounded feelings of a parent—in plain truth, often only feelings of wounded pride, and disappointed avarice: on the other side, the ruin and degradation of an innocent female, and the bastardizing of her children. Could these considerations be placed in fair opposition? Could the House pause in deciding on which side the greater moral evil would be suffered, or hesitate to reject the clause which would produce it? It was with surprise and concern he had seen this clause, which last year had been discussed at so great length, become again the subject of a debate. This vacillation in the legislature he could not think creditable to the House, nor beneficial to the morals of the people. Could there, he would ask, be a greater anomaly than that the marriages of minors by bans should be valid, and their marriages by licence not valid? For these reasons, and for many others, he must say, in the emphatic language of Scripture, "Those whom God hath joined together, let no man put asunder."

The *Lord Chancellor* observed, that if the doctrine laid down by the right rev. prelate could be supported, the House would have nothing to debate upon. But the question was not whether man should put asunder those whom God had joined, but whether God had joined them. Now, unless he had mistaken the whole tenure of the Old and New Testament, there was nothing contained in them which could be taken to prevent national societies from prescribing the forms by which marriages should be held good. If it were otherwise, there was not a nation on earth, since the Christian era, which had not concurred in this profane practice which the right rev. prelate denounced. He did not mean to give any opinion with respect to the clause itself; but he had thought it right to say thus much on the doctrine which the right rev. prelate had laid down. Every noble lord who had spoken on this subject, had said something of the tenderness with which the interests of females should be regarded in the bill now before the House. He had no sort of objection to this, but he wished that some care should also be extended to the males. It happened to him, in the discharge of his judicial functions, to see frequent instances of the necessity of this provision. In one of recent occurrence, the daughter of a bricklayer, a woman 32 years of age, with several illegitimate children, had prevailed upon a youth of 17, of high family and rank, to marry her. He should like to know what their lordships would do with a case like this. But, if the doctrine of the right rev. prelate were correct, they were legislating on a question, upon which they had no right to legislate.

The Earl of *Liverpool* said, he entertained now the same opinion as that which he had expressed last year; namely, that it was inexpedient to suffer the dissolution of marriages which had been once contracted. He was quite ready to admit, that marriage was an institution of God; but he knew also, that every nation had decided the forms and modes by which that institution should be kept up, and that the institution would in itself become nugatory, if a compliance with those prescribed forms and modes should not be enforced. The preceding clauses of the bill, which had not been objected to, also recognized this principle. With respect to the forms, he was ready to say, that in a choice between those which were too easy or too difficult, he should not hesitate to prefer those which were too easy. In the first place, he objected to the principle of the clause altogether, even if its object were right; because there were two ways of accomplishing it—the first by nullity, and the other by voidability, both of which principles were of directly opposite natures. Although nullity was sufficiently objectionable, it was less so in principle than voidability. It was easy to see how the present clause had originated. The House had both these difficulties before them: they resorted to this clause by way of compromise; and, as usually happened, the compromise was more of a real difficulty than the other two. If *de facto* a marriage did take place, and the parties coming to the altar had made the vows there tendered to them falsely and knowingly, the marriage was null and void. But, the most preposterous part of the proposed law was, that if you asked the parties one month afterwards whether they were married, they would be compelled to answer, "We don't know; for the validity of our marriage depends upon the act of a third party, over whose proceedings we have no control." It was inconceivable to his mind, how such a state of things could be compatible with the principles of the law. He knew that, in some cases, there must be a nullity; but that there should be a voidability was most objectionable. It might perhaps be said that the old law contained the latter principle; but, would any man say, therefore, that it ought not in this respect to be altered? Even if it were advisable that the marriages of minors should be dissoluble, it should be effected by making them null and void—not voidable. Next to his objection against the principle was this—that the clause would not be sufficient to effect the object at which it aimed. The persons who introduced it were actuated by a desire to uphold the parental authority; but, if allowed to stand part of the bill, it would not have any such operation. Formerly, a chaise and pair could transport the parties who sought to effect a clandestine marriage to Gretna-green: now, amongst the other advantages which had sprung from the discoveries in the power of steam, was that of the boat, by which, at a much less expense, parties could be conveyed to Calais, where their marriage could be effected with the utmost facility. The difficulties were so numerous and so great, that he defied the House ever to meet the question of foreign marriages so as to prevent them. Putting aside, however, those easy means of evading the law, the marriage by bans still remained. By far the greater part of the clandestine marriages he had heard of were solemnized by bans. What, then, was the provision worth, if Scotland, the continent, and bans, were still left free from its operation? Let the House look at the consequences of the proposed clause. The learned lord, had said, very truly, that there were cases of female as well as of male seduction; but it became their lordships to consider most that which was most usual, and he would venture to say, that in nineteen cases out of twenty, the female was the seduced party. The woman, who after the marriage had been completed, should be turned adrift, had nothing before her but disgrace, misery, and ruin. The man, if by the persuasion of his friends, or from any other cause, he should be induced to give up her whom he had engaged to protect, would, during the whole of his life, be subject to feelings of no enviable description. However he might deprecate improvident marriages, he was convinced there was no mending the matter by dissolving them. In the majority of cases it would be more tender and humane to provide, that the parent or guardian should have no choice, than that he should have one, not knowing the feelings of the parties, and not perhaps being capable of forming a correct notion of what his duty might call for. It was a responsibility which, in his own case, he should regret to be under. He was satisfied that what was the old law of this country, what was still the law in most foreign countries, and what still prevailed in some parts of this island, should be universally restored. In Scotland, where the feelings and prejudices of aristocracy were, if possible, stronger than in England, the marriage contract was merely a civil one; and no evil consequences had been found to result from the facilities with which it was entered into. Looking at the clause in all its bearings, and considering it as at once nugatory, and leading to hardships, he expressed his decided opposition to it. There was a subsequent clause, of which he entirely approved. It was that which would prevent men who married from merely mercenary motives, from benefitting by the fortune of their wives. This was a provision against that class of persons called fortune-hunters, which was perfectly just and highly desirable.

Lord *Powerscourt* opposed the clause, as being at variance with the laws of God.

The Archbishop of *Canterbury* said, it could not be considered surprising if he expressed some uneasiness at the arguments which had been urged against this clause. It had been alleged, that there was something unchristian in its composition. That charge was, in his opinion, unfounded. The clause had been adopted by the committee, after due consideration, because it appeared to be on the whole, the least objectionable that had been proposed. He, however, was not so wedded to it as to press it in opposition to the wishes of the House. A great deal had been said about the authority of the parent. He however, begged their lordships to look at the protection which was due to the parent. It was undoubtedly true that in the marriage ceremony certain words were introduced from Scripture, viz.—"Whomsoever God hath joined let no man put asunder." But then this question arose out of the bill now before their lordships—"What is this junction which hath the sanction of Scripture? Is it the mere ordinance of marriage, without any religious ceremony whatever to distinguish that state from concubinage?" It was no such thing. Marriage, they all knew, was formerly a solemn sacrament. And why was it not now considered a sacrament? Because it had none of the properties of a sacrament—none of the outward and visible signs of a sacrament—since, by the Scripture, it was left to the regulation of man. Let it be recollected, that mankind were made by Almighty God for society, and that the forms of society related to man. He, as a social being, was enjoined to marry; but the forms of marriage were left to the regulation of man. Where government framed laws relating to marriage, provided those laws were consistent with the revealed will of God, the marriages solemnized under such laws were good and binding. But, as the form of the marriage ceremony was left to man, their lordships assuredly had a right, where a marriage was procured by fraud or falsehood, not to declare it at once a nullity, but to provide means by which it might be rendered voidable and of no effect.

Lord *Redesdale* thought, it was absolutely necessary that there should be some declaration as to what might and might not be called a marriage. Now, as there was no such regulation in the scriptural authority which had been referred to, it was clear that the regulation must be made by man. In looking at what was fit to be done with respect to the contract of marriage, it was proper to consider what would be most beneficial to man in a state of society. They regulated the property of men—they disabled persons under twenty-one years of age from disposing of that property—and he thought they might with equal justice declare, that the marriage of minors should be null and void. They did not, however, conceive that to be expedient, and they had therefore placed the marriage ceremony under certain regulations. Then came the question, whether the marriage of persons who broke those regulations should be considered void? It appeared to him to be a question of expedience. Was it expedient for the legislature to say, after persons were joined together in this manner, that the marriage should be at once void? It seemed to be the general impression, that the marriage should not be thus declared void, but that under certain circumstances, and after certain proceedings, it should be rendered void. He thought that the object of civil society, in forming regulations on the subject of marriage, should be, to render the contract of marriage certain between the parties and all the world besides: for, not only were the parties entering into that contract interested, but all persons in the same society were interested, in knowing whether A. and B, were actually married. They ought to consider that point: and he could see nothing in the law of God which prohibited them from legislating on that which was essential to the good of society or to the happiness of those of whom it was constituted. Now, was it beneficial to society, that, when a marriage was contracted it should be in the power of a third person to interpose, and to declare that the contract shall no longer continue. It appeared to him, if they viewed the question in that light, and considered all the circumstances which might affect the persons with whom the contracting parties had to deal, that they would act most impolitically if they recognized such a power. A law of that nature would be attended with no convenience. It would produce no benefit comparable to the mischief which it would create. If they declared that marriages should be voidable under certain circumstances, and during a certain period, they would give rise to evils much more extensive than any benefit which could be hoped for from such a provision. For his part, he was of opinion, that making marriages of an improper nature null and void, as was done under the old law, would be the course to be preferred.

Lord *Ellenborough* said, that the clause had been carried in the committee by a majority of 7 to 4; but at the time several members of the committee were absent, who held a different opinion from the majority. If all the members had been present, there would not have been a majority of more than one. After having heard from the noble earl opposite, in the course of his eloquent speech, that it was impossible for this clause to secure that legal protection for parents which the right reverend prelate had stated to be his chief object, he was astonished that he should persist in calling on their lordships to adopt it. His astonishment was the greater when he recollected that last year the right rev. prelate had stated, that a clause of this nature was repugnant to morality and religion.

The Archbishop of *Canterbury* said, he did not mean to persist obstinately in pressing the clause. He only supported it as the least objectionable mode.

Lord *Ellenborough* said, that while they left the law as to marriages in Scotland and on the continent in its present state, any provision, either for the nullity or the voidability of marriages, would be nugatory. Their lordships knew perfectly well, that it was more easy to effect a marriage by illegal bans, than by license. But, while they left open to those, who might be inclined to make the experiment, the easiest way of effecting improper marriages, they, by this clause, shut a door through which no human being in his senses would think of passing. This was the most absurd principle of legislation he had ever heard of. He wished to know from the right rev. bench, whether they did, or did not, believe that the moment a marriage was solemnized, a religious contract was entered into? If it was a religious contract, had that House the power of dissolving it? Could they give a power to a third person—a power which might be exercised from motives of avarice or caprice—to put an end to that contract, after it had existed for a certain period? They ought to be aware of inculcating the opinion, that marriage was not a religious contract. If that principle were once removed, there would be little protection for the purity of marriage, and that purity appeared to him to be the best foundation of private happiness and of public liberty. He hoped their lordships would not grant the support to this clause which was called for by the right rev. prelate, who would himself, perhaps, on a few hours more reflection, regret that he had pressed it on the House.

The Bishop of *London* contended, that this clause was perfectly consistent with the principles of morality. He had hoped that charges of this nature would have been abandoned, and that the argument would have been allowed to rest on the expediency of such an enactment. It was asserted, that the clause was contrary to the principles of morality and to the revealed word of God—that it was an infraction of our blessed Saviour's injunction, "Those whom God has joined together, let no man put asunder." This, however, was a false view of the case. It was not a question, whether any human authority should be so rash and impious as to disturb a contract which had received the divine sanction; but what constituted that union, and whether it was religious or civil? He conceived that union to be at once religious and civil, wherever it was formed; and intended to distinguish between lawful marriage and illicit concubinage. His notion of the marriage ceremony was, that it was founded on the agreement of persons capable of entering into that union on the terms prescribed by the law of the country. Now, whether those terms were few or many, if they were truly complied with, he then apprehended that the union took place which was formed under the divine authority. Let the marriage ceremony be ever so simple, let it be merely a religious ceremony, he held, that a marriage under it was as valid as it could be made by any addition whatever. But, if other terms were enacted by law, the mere religious ceremony was not sufficient. The law said, the marriage was not complete, except it was solemnized in a church; and not even then, except by license or publication of bans. On these grounds, he thought it must be acknowledged, that the law was not completed by the performance of the mere ceremony, so long as any thing else was required. Another point was, the incapacity of persons to marry until a certain age. In all civilized countries, minors laboured under a certain degree of incapacity. They were not suffered to marry without the concurrence of their guardians by nature. They did not allow the minor in this country to contract a debt without the consent of his parent or guardian; and surely, in a case which involved his happiness, his virtue, and his fortune, it would be inconsistent to give him that power which was refused in matters of much less importance. On these grounds he would support the clause.

Lord *Sidmouth* said, he felt himself bound in justice and honour, as one of the committee, to declare that he entirely concurred in the arguments advanced in support of the clause. He admitted that the portion of scripture which was introduced into the marriage service imposed a religious obligation on the parties. But he thought it would be impious to declare those marriages to be the act of God, which had been effected by fraud and perjury, and brought about by means in direct contradiction of the laws of God and man.

Lord *Ellenborough* said, that as their lordships were about to go to a division, he begged of them to recollect, that no attempt had been made to shew that the clause in question was not contrary to the spirit of Christianity; that no attempt had been made to shew that it was not a most inexpedient clause; that no attempt had been made to shew that it would not be totally nugatory whenever a wish existed to evade it; and that no attempt had been made to shew, that whenever it was called into action, it would not be by a person who was originally anxious to have the semblance of a marriage and not a legal one.

Lord *Stowell* said, that in all cases of this kind, they ought to consider how they could best legislate for the protection of the younger branches of the community. It was of the greatest importance, where marriages were about to be formed, that the utmost caution should be used. Formerly it was assumed, in all cases, that the consent of parents or guardians had been granted to those about to enter into the state of matrimony, although, in point of fact, little more was deemed necessary than the consent of the two parties themselves. In this state the matter continued for a long series of years, and that rule survived the Reformation. But soon after, the attention of the reformers was called to the propriety of strengthening the parental authority. The doctrine was then expressly promulgated, that where marriages were contracted without the consent of parents, they should be totally null and void, as was laid down in the "Reformatio Legum." Thus the law remained till the time of lord Hardwicke, when the disturbances in society, from the want of an efficient marriage law, induced him to turn his serious attention to the subject. His act was superseded by that which had been passed last year, and it was found necessary, in consequence of the inconveniences experienced under that measure, to reconsider the subject. The committee, in turning their attention to it, found there were only four possible ways in which the authority of the parent could be secured. The first was that of nullity. He was charged with having, on this occasion, supported voidability in opposition to his former declaration on the subject. Now, he would say, that nullity in point of principle, appeared to him, up to the present moment, to be perfectly correct. But the general opinion was, that nullity was a monster against which every rational man ought to take alarm; and therefore it was abandoned. Another mode had been suggested by a noble and learned person—that of a remedy by a preventive measure. If he thought a preventive measure could succeed, he should consider that to be a very advisable course; but, on principle, he knew that it could not succeed. The experiment had been tried, and it had totally failed. The number of marriages had so decreased under that preventive system, that the demoralization of the country was likely to ensue. This was felt by the legislature; and, the very first day of the present session, a bill was started on the subject in the two Houses of Parliament, which threatened to jostle each other in the race of competition. The question was then referred to a committee of their lordships, for the purpose of deciding on what should be recommended to the House for the purpose of being enacted. The committee, as he had before said, only saw four ways in which parental authority could be secured;—namely, nullity, voidability, a preventive measure, or the doing of that which was extremely objectionable, throwing the reins at once on the neck of youth, at a period of life when passion always outran prudence. Nullity had been frequently, but vainly, acted upon, and preventive measures had proved in their operation very unsuccessful. The latter and only remaining principle was medium between the entire dereliction of parental authority on the one side, and entire voidability on the other. Though the committee were by no means insensible to the objections which existed against the principle of limited voidability, they thought it was one which ought to be submitted to the consideration of parliament, in preference to that of total dereliction of parental authority; and it was on this ground that they had introduced it into the bill which they had now brought under the notice of their lordships. With respect to the operation which this sort of security had been said to have in a neighbouring kingdom, he understood from persons of high legal authority and experience in that country, that it had not in truth there produced those tragical and destructive effects, which so much alarmed one of the noble lords who had that night spoken on the subject. Marriage was there protected with respect to voidability, in the same way, and for the same purposes, that it was in England. In the other kingdom, indeed, the law took a distinction, as between persons of different rank and fortunes; but this was a principle which the committee had not thought it desirable to adopt in the amendment which they now submitted, it being considered much more expedient that with us the law of marriage should be uniform and universal, than that there should be one law for the rich, and another for the poor. The committee had therefore brought forward this clause, involving, as it did, a principle which they were well aware might be open to much reasonable objection, but which they conceived to be the best, seeing that nullity was sure of rejection, and that preventive measures were, generally speaking, inapplicable. It had been said, that the object of this clause might be so worded as to render the clause nugatory; and that, therefore, their lordships ought not to adopt it. But the same observation might, on some ground or other, be applied to any other clause that it was possible to suggest. It could not be otherwise in the nature of things; and if this common liability were to be taken as ground of valid objection, it would be ridiculous for their lordships to attempt to legislate at all in the matter. They might spare themselves the labour of devising such remedies, if every remedy proposed was to be defeated on the principle, that it was possible contrivances might be framed which should evade its operation.—It had been argued that this clause would operate principally for the benefit of the male, and would bear hard upon the female portion of the community; and their lordships had been told, that the cases, against the recurrence of which they were called upon to provide, were much more numerous on the female side than on the male. Now, he confessed that his own professional experience had by no means led him to such a conclusion. As far as that experience went, it had rather been his fate to see the misery of families occasioned by sons, the hopes of those families, who had ruined themselves and had blasted those hopes, by the most disgraceful connexions. Their own happiness, not less than that of their families, had been destroyed for life. He contended, therefore, that disgraceful marriages much oftener happened among our young male, than among our female population. And this was very natural. The education of young women was much more correct and guarded than that of young men. The former were, for a considerable portion of their lives, under the vigilant superintendence of their parents or families; and, added to these restraints, the natural delicacy of their sex scarcely permitted them to be exposed to the same sort of dangers as young men were at the same period of existence. Young men were sooner removed from such inspection. They were sent to school earlier in life, and from thence were transferred to public schools, to colleges, and afterwards to great cities. There they could not so entirely be under the eye of their parents, but, left to themselves, pursued their own course and followed their own counsels. They were neither so much under parental superintendence, nor had so much the benefit of wise counsels as their sisters had. It was natural, therefore, that, yielding to their own inclinations, they should more commonly form early attachments, and that if they entertained such attachments they should more frequently gratify them by improvident marriages. The clause had been denominated an experiment, and consequences the most fatal had been anticipated from its adoption. He thought it was at least an experiment which ought to be tried. In framing the clause, the committee had proceeded with the utmost deliberation and with the best intentions, and sorry indeed he should be if their good intentions should be so singularly unfortunate as to lead to results so disastrous and overwhelming as those which had been deprecated by the right reverend prelate and the noble lord.

Their lordships then divided upon the clause: Contents 22, Not-Contents 28. Majority against the clause 6.

HOUSE OF COMMONS,

Tuesday, June 3.

CONDUCT OF THE LORD ADVOCATE OF SCOTLAND IN THE CASE OF W. M. BORTHWICK.] Mr. *Abercromby* said, he was extremely glad that the period had at length arrived when he should be able, not only to redeem the pledge which he had given to that House and to the people of Scotland, but also to comply with the laudable desire expressed by the learned lord opposite, to have a question discussed in which he thought the conduct and character of that learned lord were deeply implicated. After the manner in which he had been goaded to the performance of the task which he had undertaken —after the manner in which he had been calumniated, and, with a perfect conviction of the truth of what he was stating, he would say, officially calumniated in

Scotland—if he were now to shrink from the performance of his duty, it might be supposed he did so from unworthy motives. He felt that he owed no apology to the learned lord for bringing forward the question; but, he felt that he did owe some explanation of the circumstances which compelled him to introduce it at so late a period of the session. It was not attributable to any reluctance on his part that the motion with which he intended to conclude had not been made at a much earlier period; but he had been compelled to delay it, in consequence of the tardy production of papers which had been ordered to be laid before the House, and which were necessary to the right understanding of the case, and the vindication of the learned lord opposite. The inquiry into the conduct of the sheriff of Dublin had also been the means of retarding his motion. Having given this explanation, which he considered necessary, he would proceed to state his case as concisely as possible, upon the authority of the papers before the House.

He begged the House would bear in mind, that in Scotland there were no grand juries. The lord advocate, in virtue of his office, might bring whom he pleased to trial, upon his own authority and responsibility. It was true, there was another course open, by which a private individual might prosecute by getting a "concourse" from the lord advocate; but this was attended with so much expense, delay, and uncertainty, that it was very rarely resorted to. It would not be denied to be most important, that the person possessing such great powers as the lord advocate, should uniformly exercise them without any personal bias, or feelings of political consideration. That personal bias had had no influence upon the learned lord in these transactions, he was quite willing to admit; but, looking at the whole of the case, its origin and progress, and the learned lord's knowledge of both, he could not bring himself to the same conclusion with respect to the influence of political considerations. At the date of these transactions, political party feeling ran very high in Scotland. In his opinion, they had been extended, and very improperly so, to the case out of which the present matter rose. The case was this—a person named William Murray Borthwick had entered into partnership with a person named Alexander. Whilst in partnership, they printed a paper called "The Clydesdale Journal," but only one number of that paper was published after the partnership, and they then commenced the paper called "The Glasgow Sentinel." Some time after, Borthwick wished to retire from the concern, and a dissolution of partnership took place. The conditions of that dissolution were, that the property in the concern should remain that of Alexander, he paying to Borthwick the sum of 20*l.* in hand, and giving him three bills for 30*l.* each, well secured at six, nine, and twelve months. The sum of 20*l.* was paid to Borthwick, but the other part of the contract was not performed as stipulated; for, instead of the three well-secured bills for 30*l.* each, at six, nine, and twelve months, Alexander only gave his own note for 30*l.* at six months, but withheld the other two at nine and twelve months. Upon this Borthwick raised an action before the court of the magistrates of Glasgow, who were fully competent to try the case, and in his petition prayed that Alexander might be directed to fulfil his contract, or that he (Borthwick) might be put in possession of his share in the property, as he was before the contract for dissolving the partnership was entered into. The case was discussed before the magistrates of Glasgow, not only by the printed papers, but by solemn argument. It began in Dec. 1821, and on the 14th Feb. following, a solemn and final decision was made by the court, which was, that Alexander should perform his contract within six days from that time, or that if he did not, Borthwick should be put in possession of his property as before. Here, then, they saw Borthwick in possession of a decree of court in his favour, awarding that he should be restored to the possession of his property, provided Alexander did not fulfil his contract within six days. The six days elapse, the contract is not made good, nor is he put into possession. Now he would ask any man of common sense, whether the attempt of a person so circumstanced to regain his property, under the authority of a judgment of a court of law, was a fair ground on which to indict him for a felony? Was this a case which it was expected a judge would try or a jury convict upon? But, if he wanted a witness to show the absence of anything like a felonious intention on the part of Borthwick, in his subsequent attempt to get possession of his property, he would select the testimony of Alexander himself, who, in his defence before the magistrates to the first action, stated, "that the defender, so far from refusing to implement the agreement, has already, and at some hazard, in part done so; and he has offered, and is quite ready to perform his part of the rest of it, when he receives the assignation to which he is entitled, both by the terms of the agreement, and at common law. The defender cannot be bound to pay the pursuer's share in a concern, till he receives a valid assignation to that share." The court, however, decided that the giving the bills for the assignment of the share, should be *simul et semel.* This was not the argument of Alexander's counsel, it was his own sworn statement in the case before the magistrates, and afterwards in the accusation against Borthwick for theft.

He felt it necessary to call the attention of the House particularly to these minute parts of the case, because the foundation of his case was, that *ab origine*, there was not a particle of evidence to show a *mala fides* on the part of Borthwick, and of course no ground for the charge of felony. But, suppose the magistrates of Glasgow had mistaken the law in their decision in Borthwick's favour, still the ground of a charge of felony could not exist, because, to support such a charge, some felonious intention must be proved. He had now stated the grounds on which Borthwick had to proceed. He had already mentioned, that the decision in Borthwick's favour was dated Feb. 14th, and that on the 21st he had authority to take possession of his property, if in the interim the terms of the contract were not fulfilled. He did not, however, take possession on that day. In the interim a correspondence took place between the agents of Borthwick and Alexander, the former stating that Borthwick was come from Hamilton to Glasgow, for the purpose of receiving the bills on good security—and executing the assignation, and adding, that unless the settlement was effected, Borthwick must of course forthwith take the alternative of resuming possession. To this Alexander's agents replied, that it was not in Alexander's power to conclude the arrangement that day, but that he would be ready on the ensuing Saturday; and they added, that if this were not complied with, they might be allowed an opportunity of stating to a professional gentleman their reasons for concluding that the judgment of the court did not become final in seven days. Here was one of those make-weights in law, to which persons circumstanced as Alexander was, had often recourse; but it should be remembered, that in this neither he nor his agents disputed the right of Borthwick to enter into possession. He fully admitted it in the first instance, and only prayed for the indulgence of some further time; and it was only on the supposition that that indulgence might be refused, that any mention was made of a technical objection, as to the time when the decision of the court could be enforced. The agreement not being effected as was expected, Borthwick went on the premises on the 1st of March, and took possession. He went in the morning, and remained the whole of the day; and on retiring at night he took with him the key of his desk and room, and exercised every right of ownership to which the decree of the court had restored him. When Alexander found that Borthwick had taken possession, he went to a person at Hamilton, to whom Borthwick had formerly been indebted, and persuaded him to arrest him. He was accordingly arrested on the night of the 1st of March, by an officer from Hamilton, on an old caption, and for a debt which it was alleged by Borthwick had been paid before. If it were material to the case, he could prove, beyond the shadow of a doubt, that this was a fictitious debt, got up for the purpose of defeating the ends of justice, by preventing Borthwick from continuing in possession. Borthwick was lodged in gaol on the 2nd, and it was thought that he could not get out except by a *cessio bonorum.* He was kept in custody until the 10th, when the debt was paid, and he was discharged. What was his conduct afterwards? This man, who was to be indicted for a felony, went, after having given notice of his intention, and by the advice of two professional men, to the office of the "Glasgow Sentinel." With the felonious intention subsequently imputed to him, one might suppose that he had gone in the dead of night to effect his purpose. No such thing. He went at the hour of eight in the morning. He there found the boy employed in sweeping out the office. His first object was, to attempt to unlock those places of which he had, on the evening of the 1st, taken away the keys. He found, however, that his keys would not do, for that the locks had been changed in his absence. What, then, was the conduct of this thief? He sent one of the two witnesses whom he had taken to mark what passed, for a smith to open the doors—a most strange proceeding for a thief—in the presence of all who were on the premises. Before the arrival of the smith, however, he found a key with which he succeeded in opening the locks. He then took away some papers to which he conceived he had a right. This occupied till nine in the morning. If it was said, that this was done with force and violence, and that Alexander had no power to prevent it. Surely, it could not be supposed that in the open day, he could, in a populous city, have failed to procure some assistance. The fact was, there was nothing whatever in the transaction, from first to last, which had any appearance of a theft. It was a difference between two parties. It might, if any one pleased so to term it, be called a riot or a disturbance between those individuals; but there was nothing whatever in it which approached to a felony. —Having now got possession of the papers, what did the alleged thief do? He took a step, one of the last which a man conscious of theft would wittingly take. He went before the magistrates of Glasgow—those who had made the decision in his favour—and complained to them of the obstructions he had met with in carrying their decree into effect. On the next day, Alexander made a charge against Borthwick for the theft, took a warrant out against him, and had him arrested. He was then brought before the magistrates, who, after hearing what the charge was, and the answer of Borthwick, dismissed it, as not having the slightest foundation, and allowed the accused to go at large without even holding him to bail.

Lord *Binning* here asked, in what part of the printed minutes this was to be found?

Mr. *Abercromby* said, this was not mentioned in the printed minutes; but it was a fact too notorious to admit of the slightest doubt. That it was not in the papers before the House, was in some degree his fault; but he had not thought it necessary to select it. However, he presumed no person would deny that the fact was so. Would the learned lord, or the noble lord, deny that the charge of theft was made against Borthwick—that a warrant was issued on that charge—and that, further than the hearing of the parties before the magistrates, no proceedings took place on that warrant?

Lord *Binning* asked whether the discharge by the magistrates could be produced?

Mr. *Abercromby* said, he could not have thought it would have been necessary for him to reply to any objection of this kind. It was clear that Borthwick was before the magistrates, and that, thinking the charge without foundation, he was dismissed, without even having been held to bail. It was clear that he left Glasgow and went to Edinburgh soon after. This happened after the 12th of March. On the 17th, it appeared that a "concourse" was obtained from Mr. Hope, for prosecuting Borthwick at the instance of Alexander. What he sought to establish here, was what was apparent in all the proceedings; namely, that Mr. Hope must have known of the proceedings which had taken place before the magistrates at Glasgow. And here he thought it was that the conduct of the learned lord opposite was blameable, in having allowed the subsequent proceedings: for he must have known the circumstances which had passed at Glasgow, or have allowed the subsequent prosecution to go on without any inquiry into the circumstances out of which it arose. In either case he was guilty of as great a neglect of his duty, as could well be imagined of a person executing his office; for the simple question was, did Borthwick act under the authority of the decree of Glasgow or not? Now, if he did—and that he did he believed could not be denied—what greater neglect of duty could there be, than to prosecute him afterwards for his conduct on that occasion as for a felony?

He now came to the case as placed before Mr. Hope. That gentleman gave it as his opinion, that "having read the papers transmitted by the procurator fiscal of Edinburgh, relative to a precognition commenced at Glasgow against a person of the name of Borthwick, we entertain no doubt whatever that the investigation must be continued and completed in Edinburgh, on the application of the party stating himself to be injured. The petition contains a direct allegation, that Borthwick broke open a private desk of Alexander's, and abstracted private papers belonging to the latter. This is a charge which, if the private party applies, must be taken up at the public instance. At the same time, as the investigation commenced at Glasgow merely with the concourse of the procurator fiscal, it is better that the precognition here should continue in the same shape in which it began, unless difficulties should be experienced which require the interposition of the procurator fiscal at the public instance. At present, the only matter for consideration is, the information of the complainer, and the evidence already taken. Of the necessity for completing the inquiry there can be no doubt. What defence the accused may be able to make, to take off the effect of the charge, is another point. And whether the case is one which is competent before a criminal court, or to be tried at the public instance, are points which cannot well be understood until the precognition is completed, If the precognition points at other persons than Borthwick, as having carried away the papers, of course the charge is more relevant." He (Mr. Abercromby) did not quarrel with Mr. Hope's opinion on the case; but after this opinion given on it, it was impossible to deny that he was aware of the proceedings at Glasgow. The last sentence of the opinion surprised him not a little. He was utterly at a loss to understand how "other persons than Borthwick," being implicated in carrying away the papers, could, "of course," make the charge "more relevant." Suppose a man had committed murder, could his having associates in the crime make his own guilt more or less? How it could do so in the case of theft he was at a loss to conjecture. By the 29th of March it appeared that other papers had been laid before Mr. Hope, and on that he wrote to the Crown agent to this effect:—"In consequence of the nature of a precognition taken at Glasgow, at the instance of a private party, with the concourse of the procurator fiscal, against a party of the name of Borthwick, which has been sent to me to read, I beg that you will intimate to Mr. Simpson, the procurator fiscal at Glasgow, that it is the intention at present of the Crown counsel, to take up the case at the public instance, and to direct them to proceed in completing the investigation without any delay, and immediately to open and inventory the papers at Glasgow in presence of the witnesses. Borthwick must be sent for in such a way as to prevent his escape and to hold him to bail. I wish not a moment to be lost, in order that the case may be in time for the circuit." This was a most material point for the consideration of the house. He (Mr. A.) had read the papers which had been submitted to Mr. Hope in the first instance, and also those to which he alluded in his note of the 29th, and he did not see any new matter which could warrant his taking up the case in a more serious light, or render him anxious to hurry it on for trial.

He now came to the first of April, the interval which had elapsed from the first proceedings till the melancholy death of sir A. Boswell took place. On the fifth of April, the learned lord was made acquainted with the transactions officially; and for his conduct subsequently to that he considered him responsible to the house. Indeed, he alone could be properly said to be responsible to parliament on the occasion, as he had the appointment of his deputes, and might remove them at will. In the last session, he had moved for a committee to take into consideration the conduct of the learned lord and his advocates-depute, though at that time he was not without some doubts whether the individuals acting as the learned lord's deputes came properly within the jurisdiction of parliament on that occasion. He was in this difficulty—that the learned lord was absent from Edinburgh when those proceedings commenced. However, the learned lord became officially acquainted with them on the 5th of April. If he was not satisfied that he knew, and had subsequently sanctioned them, he should have felt some hesitation in bringing his conduct before the house; but, after what passed subsequently to the period when the learned lord became acquainted with the facts, he could not have thought himself justified, if he had not called upon the house to pronounce an opinion on his conduct, and on his alone. It was true that Mr. Hope avowed, in a very manly manner, the share which he had taken in the affair: but, let him stand or fall in public estimation by his conduct; he would call for no opinion of the house upon it. Under all the circumstances, and with the best consideration he could give it, he felt justified in calling for the opinion of the house, upon the conduct of the lord advocate only. The learned lord, as he had already observed, became acquainted with the transaction on the 5th of April. On the 3rd of that month, Borthwick was arrested at Dundee, on the alleged ground that informations were laid that he was about to proceed to America. The papers before the house were, he was sorry to perceive, quite silent as to the party by whom such information was given. He should like much to know by whom that information was given; for he would undertake to say that it was utterly destitute of any foundation in fact. On being arrested, Borthwick was conveyed in irons to Edinburgh gaol, and on the way was treated with a severity wholly uncalled for. He complained of this on a former occasion; and since then it appeared, from the papers before the house, that the facts he stated were not denied, but the parties concerned asserted, that they used no other coercion than that which was necessary for the security of the prisoner. On his arrival at Edinburgh bail was offered; but the prisoner was informed, that by the directions of Mr. Hope, he could not be admitted to bail, nor be allowed any communication with his counsel or agents, until he had been examined. Now, he would ask the house, whether there were any circumstances in this case which justified such severity?

If he had been accused of murder or robbery, what more severe course could have been adopted, than that which had been pursued towards this unfortunate man? This was on the 5th of April, and he was given to understand that his trial was fixed to take place at Glasgow on the 24th. The 24th arrived, and what did the learned lord do? He deserted the diet *pro loco et tempore*, and of course the trial was not proceeded with. He did not object to the learned lord's adopting that course, because undoubtedly he had the right so to do, if he pleased. It was then intimated to the prisoner by Mr. Hope, that he might be admitted to bail, and that small bail would be taken; but it was the opinion of his counsel, that as he had been arrested by the authority of the lord advocate, and as the prosecutor had only deserted the diet *pro hac vice*, and it was uncertain whether he might not proceed at a future period, it would be more advisable for him not to give bail, but to remain in prison and "run his letters," as it was termed. Borthwick was therefore re-committed to prison.

He now came to the date of the 4th of May—a most important date in these transactions. In a letter which Mr. Hope had written to him (Mr. Abercromby) on the subject, he said, "on the 4th of May, not many days after the Glasgow circuit terminated, Mr. Alexander intimated to the Crown agent his intention to prosecute Borthwick on his own instance as private prosecutor. From that time the prosecution against Borthwick was at the instance of the private party alone, and was no longer under the control, direction, or management of the public prosecutor." On the same date, the agent of Mr. Alexander wrote to the Crown agent to the following effect:—"I am now desired by my client, Mr. Alexander, to apply to you for the purpose of being informed whether it is the intention of the lord advocate to bring Borthwick to trial at his own instance, as should he not do so, Mr. Alexander wishes to indict him at his own instance, without delay." The words "I am *now* desired to say" had evidently a reference to something which had previously passed between the parties, but upon which the papers before the house were silent. The answer to this note was dated the 6th of May, and the Crown agent stated in it—"I have received yours of the 4th, and it is not the intention of his majesty's advocate to bring W. M. Borthwick to trial." Here, then, there could be no doubt that the public prosecutor had abandoned all further prosecution. How, then, did it happen that he was detained in prison by him after that date? What he wished to know from the learned lord was this—did he direct that Borthwick should be discharged? Did he omit to direct his discharge, under the supposition that it would follow in the natural course? Did he take any pains to ascertain, in point of fact, whether Borthwick had been discharged? This was really the heaviest charge against the learned lord, that from the 4th of May, when the counsel for the Crown abandoned the prosecution, Borthwick was kept in prison till the 4th of June, at the instance of the lord advocate. On the 4th of June he was, in point of fact, discharged, at the instance of the lord advocate, and recommitted at the instance of Alexander. Let it not be said that this change was immaterial—there was a substantial difference. The lord advocate, excepting to the house, was irresponsible; and if Borthwick wished to bring an action for wrongous imprisonment, he could only do so against Alexander; and by Alexander he was only confined from the 4th till the 12th of June. It was important that these facts should be observed:—On the 23d of May, Niven, the agent of Alexander, took the preliminary steps. On the 25th of May, Borthwick was served with a notice of trial at the instance of Alexander; and, on that same day, Mr. Stuart was also served with his notice of trial. In point of fact, there existed this coincidence—that Borthwick for the first time learnt that he was prosecuted at the instance of Alexander on the same day that notice of trial was served upon Mr. Stuart. On the 10th of June, Mr. Stuart was brought to trial; and at that trial Alexander instructed counsel to object to the witnesses remaining in court, because they were to be examined on the subsequent trial of Borthwick. Yet, in less than forty-eight hours after Mr. Stuart had been acquitted, Borthwick was discharged and never was brought to trial at all. No opportunity had been allowed him to prove his innocence. On the contrary, from the 29th of May, every thing was done that could needlessly aggravate what he had to endure.

Such were the facts of Borthwick's case: but he could not avoid asserting, what unquestionably gave him pain, that there was an intimate connexion between the trial of Mr. Stuart and the proceedings against Borthwick. He might be told that it was impossible to show this connexion, because Mr. Hope had been always anxious that Borthwick should be tried at Glasgow. It was to be remembered, that one of Borthwick's motives for obtaining possession of the papers was, that actions had been brought against him by various parties libelled, and his only means of defence or conciliation was, to apprise those parties of the authors of the libels. Mr. Stuart was no doubt at Glasgow when Borthwick resumed possession, and no doubt also the important document, producing the unfortunate event that had attended these transactions, came then into his possession. In the course of the discussions last year, nothing had made so deep an impression upon the public mind as the conviction that Mr. Stuart had been guilty of a most unwarrantable and unjustifiable act in gaining possession of those papers. If any thing could have been raised to the prejudice of Mr. Stuart on his trial, no doubt it would have been brought forward; and it was clear, from the very terms of the indictment against Mr. Stuart, that it was meant to connect his case with that of Borthwick. Statements were introduced into the indictment merely for this purpose, and which had nothing in the world to do with the charge against Mr. Stuart. No man could doubt that, if the proceeding against Borthwick had been attended with success, it would most deeply have injured Mr. Stuart. It was plain that in the minds of the prosecutors of both there was an intimate connexion. Under such circumstances, it was especially incumbent upon the learned lord to show that he had acted most carefully and deliberately, with a determination not only not to oppress an individual, but not to turn the circumstance of his confinement to the prejudice of Mr. Stuart. It was impossible to point out any course that could more effectually produce that impression, than the course that had been pursued; and the learned lord was the most unfortunate man in the world, if all these coincidences had happened without design. The whole of this proceeding was fraught with infinite danger to the personal liberty of the people of Scotland; and if such things were allowed to pass without the animadversion of Parliament, the case was deplorable indeed. He saw on the other side of the house, a number of hon. gentlemen who had recently taken an active part in the proceedings against the attorney-general for Ireland; but, could the two cases be compared? Let the facts of the rioters of Dublin be exaggerated to any extent; let the whole of the strongest accusation against the attorney-general for Ireland be credited—still, by an hundred degrees, it would fall short of the case now established against the lord advocate of Scotland. He trusted that those gentlemen who had shewn so much anxiety to protect the personal liberty of the people of Ireland, would shew an equal desire to protect the personal liberty of the people of Scotland. He had, on a former occasion, characterized the conduct of the lord advocate as unjust and oppressive. He said so still; and unless his opinion of that conduct were materially and substantially altered by any new circumstances which might be stated by the learned lord, he should call upon the House to confirm it. So thinking, he should conclude with moving, "That the conduct and proceedings of the Lord Advocate of Scotland in the case of William Murray Borthwick, late printer of Hamilton, were unjust and oppressive."

The *Lord Advocate* commenced by assuring the house, that the hon. and learned member who had just sat down could not feel greater satisfaction than himself, that the moment had arrived when this question was to be discussed and to be decided. Whatever had been its cause, certain it was that the delay that had already occurred had been most prejudicial to himself. Nevertheless, he did not complain of it; he only denied that he had been in any way instrumental in producing it. No man had been more anxious than himself that the whole question should be brought forward as early as possible. He had been much surprised that the papers were not laid upon the table before the end of the last session; and if the hon. and learned gentleman, in what he had said on this point, meant to impute that he had been the occasion of the postponement, it was an error. He had written up from Scotland to the office of the Secretary of State, for an explanation of the fact; and he had found that on the last day of the last session, the documents would have been brought up, but for the sudden and somewhat unexpected arrival of the usher of the black rod. In reference to the question before the house, he begged its indulgence while he was compelled to go over facts which he had before stated, and to repeat arguments which he had already urged. Of the manner in which the subject was brought forward last year, he had complained at the time. He complained now, and he should never cease to complain. For he had laboured under disadvantages of all kinds, and had not then the information now before the house, and on which he might securely rest his defence. He had not expected that the case of Borthwick would have been brought forward. He had, indeed, at that time one way of escaping from the difficulty, he might have declared a fact subsequently avowed by his learned deputy, that he (the lord advocate) had given an opinion against the prosecution. The whole blame would, however, thus have rested on his learned deputy; but as he knew that he (the lord advocate) was officially responsible for the acts of his deputy; as he scorned not to sustain his share of responsibility; and as he was certain that the acts of his learned deputy would bear the strictest inquiry, he had not introduced that important and decisive circumstance. It had been declared to the house and to the country in the celebrated Letter which his learned deputy had published. He had almost hoped that when this fact came to be known, it would have led to a different line of conduct on the part of the hon. and learned gentleman opposite. He had thought that the charge of "perverting the course of justice for bad purposes" would have been abandoned; as it was clear that between men entertaining different opinions on the subject, there could be no conspiracy. Whatever was the real object of the motion now introduced, it might be thought out of doors, that its purpose was not public justice, but to crush the rising fame, and to detract from the distinguished talents, of his hon. and learned deputy. [Hear! from the Opposition benches.] He gathered from that cheer, that such an imputation was unfounded. It might be so, but he doubted whether the people out of doors would be charitable enough to put the best interpretation upon the motive with which this question was now, for the second time, brought forward. The hon. and learned gentleman had last year insisted that "justice had been perverted for bad purposes." The whole of the evidence, every document, all the correspondence, private or official, was now upon the table, and the house would be able to decide whether there was any foundation for the charge.

Before he proceeded to notice the particular facts of the case, he wished to say a few words upon the powers of his office. No man who knew him would imagine that he was disposed to abandon any of them. Such powers as he possessed, he would assert and maintain. It had been his business, and that of others, to investigate this matter; and if hereafter any hon. gentleman asserted that he (the lord advocate) possessed greater powers than he now stated, he should call upon that hon. gentleman to quote his authority. He asserted, in the first place, that the lord advocate possessed no legal powers, but as a public prosecutor. He was indeed a justice of peace of all the counties of Scotland, because his name was inserted in every commission; but he could do no more than any other justice of the peace could do. A learned predecessor, he believed, had laid down this point more broadly than he was disposed to do. It was unquestionably true, that magistrates applied to the lord advocate for advice; but it was optional in them to ask it, and in the lord advocate to give it; and a magistrate was not bound to act upon it. He might, if he pleased, resort to any other legal authority that he preferred, since he alone was responsible. Even as a public prosecutor, the powers of the lord advocate had been exaggerated. Originally, prosecutions in Scotland were commenced by private parties only; and it was not until the year 1587, that an act passed giving him that power. Still this power was not exercised by him until long afterwards; and it was only of very late years that private prosecutions had ceased. They had ceased because reliance was placed upon the moderate and prudent course pursued in general by the lord advocate in matters of this kind. It was true that in Scotland there were no grand juries except in the single case of high treason. No lord advocate, however, would venture to institute a prosecution in which the circumstances did not fully justify him in bringing it forward; and on the other hand, he was not aware of a single instance in which the lord advocate had declined to prosecute, where the private party had subsequently succeeded. The general result of prosecutions in Scotland proved the moderation and discretion with which the powers of the lord advocate were exercised. Out of 409 persons tried in a given time, only 49 had been acquitted. In an average number of years, 1,409 persons had been capitally convicted in England; and, taking the population of Scotland as one-sixth of that of England, about 40 capital convictions might be expected in Scotland in the same time, whereas the number amounted to only 18. The number of persons transported in England during the same time amounted to 2,889, one-sixth of which would be 480; but the number in Scotland amounted to 180.

The practice of carrying on prosecutions by the public prosecutor having of late years exclusively prevailed, private parties had acquired a right, upon receiving any injury, to call upon the lord advocate to prosecute; and, in many cases, the ends of justice could not be obtained without the intervention of the public prosecutor; because, by the law of Scotland, the party injured could not, as in this country, give evidence in a case where he was himself the prosecutor. Three deputy-advocates, one of whom, at the period in question was Mr. Hope, the present solicitor-general, were attached to the lord-advocate. The appointment of that gentleman to the office of deputy-advocate was no merit of his (the lord-advocate's). He envied his predecessor the opportunity of conferring that office upon him. The deputies went to the three circuits in Scotland, and it was at one of these circuits that Borthwick's case first came before Mr. Hope, in consequence of an application from the procurator fiscal. It was ordered by the magistrates of Glasgow, that the papers taken from Alexander should be restored; but the order was disobeyed, renewed almost indefinitely, but still disobeyed. It turned out, in fact, that the whole of the papers had been carried off to Edinburgh by Mr. Stuart and another gentleman. With regard to the committal of Borthwick, he must observe that a magistrate in Scotland only did what he was asked; and if he were not asked to commit Borthwick, he would of course not commit him [Hear, hear!]. He defied contradiction upon this point. The parties finding that the papers had been carried to Edinburgh, an inquiry was instituted as to the persons who had carried them away; and this having been ascertained, the procurator fiscal was doubtful about taking up the prosecution at the public instance. He therefore laid the case before Mr. Hope, in order to obtain his opinion. The letter upon which the Crown agent commenced proceedings against Borthwick was from Mr. Scott, the procurator fiscal of Edinburgh, and would be found in page 66 of the printed papers. In that letter the examinations of various persons were inclosed; among others, the declaration of Borthwick himself, and the general result of those examinations was, that Borthwick had gone to Alexander's office, broken open his desks, and carried away a quantity of private documents. Certainly, the declaration of Borthwick himself had at once set up a defence nearly similar to that made for him by the hon. and learned member opposite; but it was not usual, the House would be aware, to give implicit belief to the statements of accused parties; and how far Borthwick was entitled to especial credit would very shortly be shown. Borthwick's statements were proved by documents to be upon four different points untrue. Borthwick alleged, that when he took possession of the papers at Alexander's house, he did so with the sanction and approval of a magistrate. This was a direct falsehood; for he had been told by the magistrate, that he must not take possession of them. He said, that he had found the desks at which he was accustomed to write, open. On the contrary, he had found them shut, and, finding them shut, he had forced them open. In a third place, he declared that, on taking the papers from Alexander's, he had folded them up, and sent them to the office of his agent. Now, the fact was, that he had carried them away to the Tontine inn, and had there at once delivered them to Mr. Stuart. And still further, he asserted that he had carried the papers from Alexander's house, because Alexander's brother had opposed his examining them there; when, in truth, at the time he had sent the papers out of the office there had been no soul to oppose him, or anything but a boy under twelve years of age. Upon these facts it was, that, long before the duel took place, Mr. Hope had given his opinion, that the case must be taken up by the public prosecutor. And let the House look at the act with which Borthwick was charged, and at the circumstances under which it had been committed. It had been done not merely without the authority of any magistrate, but contrary to a magistrate's direction. Borthwick had been irregularly liberated from prison on the Sunday (the papers being served on the Monday) by a fraud put upon Mr. Reddie; it being stated to that gentleman, that he was to be a witness on the Monday on some trial pending. As soon as Borthwick left the prison, he had gone away to the Tontine tavern, where the getting of the papers and the use of picklocks had been mentioned in the course of the night; and on the next morning he had proceeded with others to Alexander's house, taking from thence the papers in question, and opening the iron safe by the means of a picklock, after he had sent for a smith to break it up.

Now, all these circumstances were important to be stated, because they showed Borthwick's crime to be the result of a concerted plan. [Cheers from the Opposition.] He understood what those cheers meant. It was meant to be argued, that no crime had been committed; but he should insist, that theft was distinctly made out. Borthwick challenged the papers which he had taken to be his own, or at least to have some interest in them, and treated his visit to Alexander's house as a mere resuming possession of his rights. But was the act like that of a man resuming possession of any partnership right supposing the papers not to have been the exclusive property of Mr. Alexander? If effects belonged to a company, it was not competent for an individual of that company to seize upon and carry them away. Mr. Hope stood for his defence, not upon the law of England, but upon the law of Scotland. If Borthwick's act was a theft according to the law of Scotland, then Mr. Hope was justified. That the stealing of papers might amount to a felony, there could be no doubt; persons, indeed, had suffered capitally for the offence; and he said that the papers in question (many of them private letters) had been feloniously taken away from Mr. Alexander, their true owner. His whole case, he repeated, was to show, that Mr. Hope had been justified in considering the matter as fit to go to a jury. It would be recollected, that in the first instance, Borthwick might have been bailed if he would have surrendered—he chose to abscond. Borthwick complained—and that complaint had formed a considerable feature in the charge brought forward by the hon. and learned member last session—of his having been carried to Edinburgh instead of being lodged in gaol at Dundee. Now, Borthwick had been carried to Edinburgh [here the lord advocate read a letter vouching the fact] at his own personal request, and under no circumstances of undue inconvenience or severity. Again it was set up as a great hardship endured by Borthwick, that he had not been allowed to see his agent until eight and forty hours after his going to prison. The fact was, that, by the law of Scotland, no prisoner was allowed to see his agent until after his examination; and it had been necessary to defer the examination of Borthwick in Edinburgh, until a copy of his first declaration was obtained from Glasgow. That there had been any delay in the proceedings for bringing Borthwick to trial, he distinctly denied. So far from delay having been the object, Borthwick had only been examined on the 5th of April; and his indictment, with list of witnesses, had been drawn and served upon him on the 6th. The question might then be asked, why had not Borthwick been tried? The hon. and learned gentleman had said that it was for him (the lord advocate) to bring evidence with respect to the further proceedings. He was of a different opinion. The evidence as to those proceedings had been moved for in the last session; and its production had not been resisted by him, but by an hon. secretary of state, who had thought such production irregular. He had certainly given an opinion upon the matter differing from that of Mr. Hope; but it was necessary for the House to know the circumstances under which that opinion had been formed. He had received in London, on the 5th of April 1822, the declarations and examinations printed in page 66, containing the allegation on the part of Borthwick himself, that he had acted, in taking the papers, under the sanction of a magistrate; and not containing the letter of Mr. Simson, the fiscal (which did not reach Edinburgh until the 3rd of April, after the papers received by him were sent off)—that letter from Mr. Simson, which declared Borthwick's statement to be untrue. Now, looking at the case as stated by Borthwick, he (the lord advocate) had certainly thought it not a case desirable to be sent to trial. When Mr. Hope began the investigation, the duel had not occurred. Though it became desirable not to prejudice the trial of Mr. Stuart, still there was nothing in those proceedings which could induce Mr. Hope to alter the course which he had before taken. On a review of all the papers, he did feel that Mr. Hope was right, though his instructions were of an opposite tendency at the time. He explained the remedy which Borthwick might have had by an action for false imprisonment. He was of opinion that no sufficient grounds were laid for the motion. If Borthwick had suffered more than he ought, in all probability it was less than he would have suffered had he been able to make his escape, and had he been living an outcast from his country ever since. That this would have been the case was manifest; because the ship in which he was to have embarked actually sailed from Dundee a few days after. He was quite ready to take upon himself the responsibility which might be supposed to attach to Mr. Hope. For his own part, he felt that his conduct needed no defence. When he took office he found Scotland in a state of considerable ferment. There had been more political crimes tried in his administration, than in that of any of his predecessors. In no trial had they failed of convictions, either by verdict or confession of the offenders. He left the case with the justice of the House. He had acted upon pure and conscientious motives. If the same circumstances were again to occur, again he would take the same line of conduct. He had now said as much as he found necessary for his justification. If the house thought good, he would retire till the end of the discussion. [Cries of "Stay, stay," from the Opposition benches, in which the learned lord acquiesced, and sat down.]

Mr. *J. P. Grant* said, he rose with considerable embarrassment, because he was called to decide upon a case as a judge would be in a court of justice, after hearing but one side. His hon. and learned friend had substantiated a strong case of accusation to which there was no defence. The learned lord had totally passed by, or mistaken, the nature of the accusation. He had talked all along in the plural number. He seemed to think that Mr. Hope was concerned with him, as in a sort of partnership for the administration of justice. Whereas, Mr. Hope was, with respect to this investigation by the House, nobody. The House could know nothing of his responsibility; he was not even an officer of the Crown: he was only a deputy to the learned lord. He (Mr. J. P. Grant) knew of no power possessed by the lord advocate to put parties upon their trial for high crimes, which he could transfer to a deputy. He must do that part of his duties in his own capacity—according to the directions of his own mind—on his own view of each particular case. He might depute the conduct of the trials, or appoint persons to assist him in gathering and arranging the facts; but to him alone did the country look for the decision. The learned lord had said, that the powers of his office had been much exaggerated. His powers were, however, enormous, and there was no responsibility attached to them but to parliament. The learned lord would not say that he was answerable to any other tribunal. He had talked of an action for wrongous imprisonment; but the action had been brought, and the only remedy was, that the court adjudged that the learned lord should produce his private informer, who was to take the place of defendant. Now, the learned lord was not only officially, but morally and really responsible for all that had taken place on this occasion. The learned lord admitted, that the first instructions to his deputy were, that there was no ground for the prosecution. This should have placed the prisoner in the same condition as he would have been placed in England after a bill ignored. He ought not to have been subject to any further proceedings. But the deputy chose to send a remonstrance, forsooth. He presumed, to withhold obedience to the decision of the learned lord, whose responsibility and character were alone at stake. He had actually kept the man in prison, until he should find whether the arguments he had to bring against him would not have the effect of convincing the learned lord. Not only this: he had taken Borthwick to Glasgow, and prepared measures to put him on his trial, against the instructions which he had received. The letter of the learned lord again determined that there was no case for trial. Again, after this second determination, the deputy had put in a petition before the magistrates, stating, that in his opinion the lord advocate could still order a prosecution; and again he succeeded in incarcerating the man. And, after all, the learned lord for the third time determined, that there was no case for a prosecution. This was upon the learned lord's own shewing. What would any man in that House say to so monstrous and oppressive an abuse of authority by his deputy? The learned lord had left the House no alternative, but to visit on his head the justice which the law demanded. He agreed with the learned lord, that the question was, whether justice had been perverted to bad purposes? That justice had been perverted, the learned lord himself admitted. By his own allegation of the facts, the purposes could not be otherwise than bad. The learned lord would have it that a case of theft had been made out sufficiently strong to justify Mr. Hope. Now, he defied any lawyer in that House to say that any thing like a case of felony had been made out. Borthwick had taken possession of what he deemed to be his own property. The taking was of the very same kind by which actions of trespass were brought to issue in this country. The whole proceeding originated in a dispute about property between two partners. The learned lord talked of a theft committed by a company. What did he mean? Was there ever such a thing heard of as a partner robbing another partner? He remembered a trial, indeed, of a woman for stealing the goods of her husband: but there was no precedent of such a theft as that conjectured by the learned lord. He thought it was quite impossible for the House to pass over the case so clearly made out by his hon. and learned friend.

Mr. *Home Drummond* said, he had never heard a more singular attack than this, for a grave accusation had been made against the lord advocate, that he had not performed all the numerous duties of his office in person. Now, he thought it would be clear to any one who knew the multifarious duties of the learned lord, that it was impossible for him to deliver his opinion on every case. The learned member was a friend to the liberty of the person; but did he forget, when he required the opinion of the lord advocate on every case, that the effect would be to imprison men for a longer time than was necessary, in order to obtain that opinion? Very few cases required much legal learning or experience; but when any such did occur, the solicitor-general acted for the lord advocate, when that officer was absent. As to the charge of demanding excessive bail, it was known that moderate bail had been required but had not been put in, the party, for some reason or other best known to himself, declining to take advantage of it. The lord advocate had been accused of deserting the Diet *pro loco et tempore,* and some gentlemen seemed to have mistaken that for an abandonment of the proceedings, when in fact it only meant delaying the time of trial, and such delay would be granted on the motion of any private individual in a similar case. It had been said, that the interlocutor was a warrant justifying Borthwick in entering and seizing the property; but this was a mistake, for an interlocutor was only a preliminary step to a warrant, and was merely an abstract finding of a right in law, on which a warrant would subsequently issue. It should be remembered, that throughout the whole of the transaction, Borthwick could not have acted ignorantly, for he had received the advice of no less than five legal gentlemen. What had he done on gaining this interlocutor? Had he acted as a partner when he returned to the house? No. He had acted injuriously to the interests of those whom he called his partners; for he had stolen their property after breaking open their desks, and from the sale of that property had gained the sum of 50*l.* which he had appropriated to the payment of his own private debts. He had carried off the property of Mr. Alexander; and could any member give such conduct any other appellation than that of theft? Gentlemen had spoken of felony and misdemeanor, and had used these terms, so familiar in the law of England. Now, he wished the House to understand that the law of Scotland knew of no such technical distinctions, but classed both the offences under the general name of crime. The bad faith of Borthwick was evident throughout the whole of the transaction. In order to get out of gaol he had sent Macgregor, an agent of his, and a practiser of the law in Glasgow, to the proper magistrate, who had represented that he (Borthwick) was a necessary witness in a civil cause to be tried on the following day. What would gentlemen say to attorneys or counsel in this country applying privately to a judge in such an affair? And yet this had been done by Borthwick, and the consequence was that the magistrate believed the representation and liberated him. In short, the whole transaction had begun, continued, and ended, and had been a disgrace to all the parties concerned in it.

Mr. *Kennedy* said, he was surprised at the conclusion to which the hon. member who spoke last seemed to have arrived. He certainly did not wish to overload the lord advocate with official duties; but he thought that Scotland had a right to demand, if not his opinion on every case, at least that he should exercise some discretion on matters passing through his office. Scotland was not to be told, because the characters of member of parliament and lord advocate were united in one person, that the duties of one should be unperformed, while the learned lord discharged those of the other. If it was impossible for him to fulfil the functions of both, he should return to Scotland, and another person should fill his situation in that House, and thus leave him at liberty to perform those duties so requisite for the proper administration of justice in Scotland. It had been stated by the hon. member opposite, that low bail had been offered. But, supposing this to be true, what did it prove? Why, that the law had not been properly administered; for, by the law of Scotland, the offence with which Borthwick was charged was not bailable. The hon. member had stated the conduct of Borthwick to have been highly criminal: and yet the lord advocate himself had stated, that it was not a fit case for prosecution, and did not in any way approach to felony. Indeed, the conduct of Alexander seemed to be of a much more criminal nature. The way in which Borthwick had been carried in irons to Edinburgh, and denied all access of friends; and finally the deserting of the diet in Glasgow, presented a picture of indefensible oppression.

Lord *Binning* said, he rose with much anxiety and solicitude. A near relation of his was among the parties interested, and he trusted that the House, notwithstanding the lateness of the hour, would think him justified in prolonging, for a short time, the discussion. The house would recollect, that when the hon. and learned gentleman opposite brought forward this question last session, the motive imputed to the law-officers of the Crown in Scotland, was *mala fides* throughout the whole of their proceedings, from the origin of these transactions to the fatal catastrophe which ended in the death of sir Alexander Boswell. Now, how did the facts stand, as the hon. and learned gentleman had disclosed them that night? Why, that his learned friend, the lord advocate of Scotland, knew nothing of the quarrel between sir Alexander Boswell and Mr. Stuart, until the night when every body in Edinburgh knew it was a matter of public notoriety, and that the legal opinions which he had given of the documents before him, had been pronounced eight days before. That his learned friend, Solicitor General Hope, might have acted with indiscretion, (which he denied) was a different question; but that, in any part of these transactions, he had acted with *mala fides* was not to be sustained by any dispassionate view of the case; and yet that was the main gist of the hon. and learned gentleman's charge. Into a disquisition of the subtilties of the law of the case, he did not profess himself competent to enter; nor did he think that House at all times the best tribunal for settling such points [Cries of Hear]. The hon. and learned chairman of the quarter sessions of Doncaster (Mr. M. A. Taylor), who manifested a disposition to interrupt him, was perhaps perfectly competent to instruct them upon points of Scottish law; and the House would no doubt have the benefit of his opinion. It was singular enough that he (lord Binning) should have been challenged by the hon. and learned gentleman opposite (Mr. J. P. Grant) to hazard an opinion upon the legal part of the case. He knew that the hon. and learned gentleman was a member of both the legal professions, English and Scotch; and he also knew, that, in his speech that night, he had strangely mixed up and confounded the principles of both. Now, he was not prepared to say whether this or that act was felony according to the Scottish law. Whether breaking open a partner's desk and carrying off his papers amounted to that offence, it was not for him to assert; but he might be permitted to say that, according to British law, such an offence, to say the least of it, was a trespass, and punishable in some shape or other. Why, then, might it not be a crime in Scotland? Or what was there absurd in Solicitor-General Hope entertaining that opinion? There were higher authorities than the hon. and learned member, for asserting, that this offence was penal; for the Lord Justice Clerk had distinctly held that it was not bailable. His only object in pressing this topic, was to show that Solicitor General Hope had not travelled out of the course of his duty; and this was, he thought, apparent from a dispassionate consideration of the whole case. The noble lord then recapitulated the whole of the proceedings in Borthwick's case—and the manner in which Mr. Stuart got possession of the papers; and contended, that Borthwick, who was represented as being so immaculate a person, had acted throughout in a manner utterly indefensible. Borthwick might have been released on bail if he pleased; but it answered the purpose of those concerned better, that he should secure the reputation of a martyr, and form the ground-work of such a case as the present against the law-officers of the Crown. With respect to his hon. and learned relative, he was a man incapable of an act of deliberate injustice. He had acted through the whole proceeding in perfect conformity to the law; and even if he had been guilty of an error in judgment, the House of Commons would, he thought, be the last assembly to blast the reputation of a young and rising man, by agreeing to such a resolution as that which had been proposed by the hon. and learned gentleman.

Mr. *M. A. Taylor* said, he had read the whole of the papers, and those who knew him better than the noble lord, would be satisfied, that he would not give any vote to inflict pain or censure on an individual, were he not satisfied that it was deserved. He could allow for the warmth of feeling of the noble lord; but he had talked of this as a question of Scotch law; whereas Scotch law had little to do with it. The House was not debating on Scotch law, but on the invariable principles of justice, on which every man was competent to form his own opinion.

After a brief reply from Mr. Abercromby, the House divided. Ayes, 96. Noes, 102. Majority against the motion, 6.

List of the Minority.

Abercromby, hon. J.
Allan, J. H.
Althorp, visc.
Barnard, visc.
Barrett, S. M.
Benett, John
Bennet, hon. H. G.
Bentinck, lord W.
Bernal, R.
Brougham, H.
Browne, Dom.
Byng, G.
Brownlow, C.
Barry, J.
Calcraft, J.
Calvert, N.
Carter, J.
Cavendish, lord G.
Cavendish, hon. H.
Chamberlayne, W.
Chaloner, R.
Cradock, S.
Crompton, S.
Daly, James
Davies, J.
Denison, W. J.
Denman, T.
Duncannon, visc.
Ebrington, visc.
Ellice, Edw.
Evans, W.
Fergusson, sir R.
Folkestone, visc.
Forde, M.
Glenorchy, visc.
Grant, J. P.
Grattan, J.
Griffith, J. W.
Guise, sir B.
Gordon, Robert
Hobhouse, J. C.
Hume, J.
Hurst, R.
Hutchinson, hon. C.
Hotham, lord
Lambton, J. G.
Lennard, T. B.
Lushington, S.
Leycester, R.
Maberly, W. L.
Mackintosh, sir J.
Marjoribanks, S.
Martin, J.
Milbank, M.
Milton, visc.
Monck, J. B.
Moore, P.
Maxwell, J. W.
Newport, sir J.
Normanby, visc.
O'Callaghan, J.
Ord, W.
Palmer, C. F.
Pelham, hon. C.
Pelham, J. C.
Philips, G.
Poyntz, W. S.
Ramsden, J. C.
Rice, T. S.
Ricardo, D.
Rickford, W.
Ridley, sir M. W.
Robarts, A. W.
Robinson, sir G.
Russell, lord J.
Scarlett, J.
Scott, James
Sefton, earl of
Smith, J.
Smith, hon. R.
Smith, W.
Stanley, hon. E.
Stewart, W. (Tyrone)
Stewart, sir J.
Sykes, D.
Talbot, R. W.
Taylor, M. A.
Tierney, G.
Titchfield, marquis
Townshend, lord C.
Webb, Edw.
Whitbread, S. C.
White, col.
Whitmore, W. W.
Williams, John
Williams, W.
Wood, M.

TELLERS.

Hamilton, lord A.
Kennedy, T. F.

HOUSE OF COMMONS.

Wednesday, June 4.

BREACH OF PRIVILEGE—COMPLAINT AGAINST "THE MORNING CHRONICLE," FOR REFLECTING ON THE MEMBERS OF THE HOUSE.] Mr. *Jones* rose to call the attention of the House to a paragraph which appeared in the "Morning Chronicle" of that day, reflecting on the proceedings of that House last night, without, however, intending to found any harsh measures thereupon. The paragraph to which he alluded was as follows:—"The small majority of six last night in a House of 198, is perfectly decisive of the sentiments of members with respect to the abominable proceedings in the case of Borthwick. An analysis of that majority will be a curious exhibition. We should like to see the names: they must be most valuable partisans: they are evidently not men to stick at a little." He begged to call the attention of the House to the nature of the motion. It was not a motion of a general nature, but it was limited to a most severe censure upon the lord advocate. It called upon the House to declare, that the conduct of that learned lord had been unjust and oppressive. He did not mean for one moment to say that the proceedings which had taken place against Borthwick were not unjust, oppressive, and illegal; and if the motion had been directed against those persons who, in his opinion, were the authors of those proceedings, he would have voted for it: but, having perused the papers which had been laid before the House, and listened to the charge which had been made against the lord advocate with as much attention as possible, he must confess—

The *Speaker* put it to the House, whether the course in which the hon. member was proceeding was consistent with its orders or with its dignity. Nothing could be more clear than that any notice of the proceedings of the House was a breach of privilege; but would the privileges of the House, or its dignity or character, be maintained by an explanation of the nature of the motion, and of what would have been the hon. member's conduct if the motion had been differently framed? He would put it to the hon. member himself, whether, instead of maintaining the dignity of the House by entering into an explanation, amounting almost to an apology, he was not in reality lowering it?

Mr. *Jones* acknowledged that he felt the difficulty of his situation. He should be sorry to take any harsh proceedings against the editor of the paper, but having called the attention of the House to the circumstance, he hoped he should not be considered out of order in stating his reasons for doing so.

The *Speaker* repeated what he had before said, as to the paragraph in question being a breach of privilege. It was in the breast of the hon. member to exercise his discretion under the circumstances of the case.

Mr. *Jones* said, he had felt himself called upon to notice the paragraph, because he was one of the majority which the editor had alluded to, in the terms which he had read to the House. In voting as he had done last night, he hoped he had acted conscientiously, and according to the opinions of the independent body of electors whom he represented. He did not come down to that House as the partisan of ministers or of the Opposition. It was said, that those who voted in the majority last night would not "stick at a little." That expression admitted of two inferences. If it were meant, that the majority would not be easily prevented from supporting a good and praiseworthy motion, he had no objection to it; but if it were intended to insinuate that they would not hesitate to vote for an improper measure, he would say that it was calumny. He did not intend to call upon the House to take any proceedings against the editor of the "Morning Chronicle," whom he believed to be a very respectable gentleman. He moved, "That the said Newspaper be delivered in, and the said Paragraph read."

Mr. *R. Martin* seconded the motion.

Mr. *Hobhouse* hoped that the hon. member would, upon consideration, see the propriety of acting upon the suggestion which had proceeded from the chair. There would be an end put to all public business, if the House were to be called upon to interfere in every case in which hon. members might conceive themselves to have been improperly censured. Every member must have found observations directed against him in those papers which were opposed to him in politics. Not a single day passed in which hon. members did not find their conduct ten million times more misrepresented than that of the hon. mover was in the paragraph which he had noticed. It really would be preposterous to found a motion on such a passage.

Mr. *Canning* hoped the hon. member would not press his motion. In cases where an individual found his own conduct grossly misrepresented, it was very natural that he should take any means of righting himself; but great inconvenience would arise if every member forming one of a majority against which reflexions had been made were to take up the time of the House by explaining his motives, and, in fact, re-debating the question upon which he had voted. He hoped that the hon. member, having satisfied his own nice sense of honour, would allow the subject to drop.

Mr. *R. Martin* said, he would not second any motion which was preposterous. He was surprised the hon. member for Westminster should call any motion which was a breach of privilege preposterous. He (Mr. M.) thought that he could not refuse to second a motion which was a breach of privilege. To call the motion preposterous was—a preposterous expression.

The motion was then withdrawn.

Law of Settlement.] Colonel *Wood* rose and said:—Sir, in rising to explain the resolutions with which I shall conclude, I feel I ought to apologize for venturing to embark on so difficult, so delicate, and at the same time so important a subject; and certainly I should not have done so, had I not been encouraged by the assurances of many gentlemen, that they consider the plan proposed for ameliorating the Law of Settlement the most practicable plan that has been suggested for the consideration of the House. Neither, Sir, should I have intruded myself on your notice, if I had not long felt convinced, that this was a subject intimately connected, not only with the comforts, not only with the happiness, but with the liberties of the great mass of the British population.

In order to make this subject familiar to many gentlemen who may not have looked into all its details, it is necessary that I should shortly recapitulate the different acts of parliament, by which the settlement of the poor are at the present day regulated. But I must first observe, that with the 43rd of Elizabeth, the great foundation of all our poor-laws, I find no fault. That act, by the provisions of which the wants and the necessities of the poor are administered to, I consider a charitable and humane statute; and, notwithstanding what political economists may write of it, I believe, when well administered, it will secure blessings and happiness to any country that may have humanity to adopt it. But, Sir, in the 43rd of Elizabeth, not one word is to be found relative to the law of settlement. In the early part of that queen's wise reign, an act passed, the 14th of Elizabeth, directing that poor persons should be removed "to the places where they were born, or most conversant for the space of three years next before;" and, by the 39th of Elizabeth, "poor beggars were directed to be sent to their last dwelling, if they had any, if not, to the place where they last dwelt, by the space of one year." It is of importance for the future consideration of this question, that the House should bear in mind this last-mentioned statute. It was passed at a time when the condition of the poor was forcing itself on the attention of the legislature, and at a time when provision was about to be raised by compulsory assessment for their maintenance. In this state remained the law for upwards of sixty years; and it was not until the 13th and 14th of Charles the 2nd, that an act passed, laying the foundation of the present Laws of Settlement. Now, Sir, I beg to call the attention of the House to the preamble of this ill-fated statute. The preamble states, "That by reason of some defects of the law, poor people are not restrained from going from one parish to another." Now, Sir, it is of this very restraint that I complain. It has been this locking up the poor in their respective parishes, the not permitting them to move from parish to parish in search of work, the preventing their carrying to the best market the only thing a poor man has to carry to market, namely, his labour; that much of the evils of which we now complain, have originated. Sir, the 13th and 14th of Charles the 2nd, made a violent infringement on the liberties of all the lower orders of people; it enacted, that all poor persons coming into a parish, and liable to become chargeable, might be removed out of it within the first 40 days. Sir, cruel, arbitrary, and short-sighted as this enactment undoubtedly was, it was infinitely less cruel, less arbitrary, and less unjust to the poor man, than some of the enactments, relative to the settlement of the poor, that have followed it. It is true, by the 13th and 14th of Charles the 2nd, a poor man was liable to be extracted from a parish in which he was honestly occupied, at the arbitrary will of the overseer within the first 40 days; but at the expiration of that period he was safe from removal; and, in case of need, in the parish in which he was resident, must he, if he required it, receive parochial relief. Whereas, by succeeding acts of parliament, and by judicial decisions on such acts, it does not now become a question of the last 40 days, but not unfrequently a question of 40 years. By the present laws, settling the parishes of the poor, a man may reside forty years in a parish; he may have brought up a large family in honest and industrious occupations; they may be married and settled around him; he may have spent the vigour of youth and the industry of manhood in useful and honest labour; and yet, when old age or sickness overtake him, he is liable to be carted across the country like a felon, to some parish at a distance, in which, in his early days, he may have lived a year as an hired servant, or resided the last 40 days of an apprenticeship; or if he has been in neither of these capacities, he goes back to his father's, or in some instances, to his grandfather's, settlement, and is cast down in a parish a most unwelcome visitor and entire stranger, to linger out the remainder of his days in a workhouse, or on the pay-list of the parish overseer. Again, Sir, bad as the 13th and 14th of Charles the 2nd unquestionably was, still it was a question of the day, had the poor man, or had he not been resident 40 days, and in most cases a longer residence than 40 days was generally permitted. Statutes soon followed, however, limiting the poor man's powers in obtaining a new settlement. By the 1st of James 2nd, the 40 days' residence was not to be reckoned until notice in writing had been given to one of the parish officers; and by the 3rd of William 3rd, it was further provided, that such notice should be published in the church and registered.

In this state remained the law for upwards of one hundred years, and it was not until the 35th Geo. 3rd, that an act passed that has done more to prevent a poor man changing his settlement, and has placed the law of settlement on a more unjust footing, than any act that was ever placed on the Statute Book. Why, Sir, this act, known by the name of Mr. East's act, and introduced, no doubt, with humane intentions, enacts, that no poor person should be removed until actually chargeable. So far good, humane, and charitable; but it proceeds to declare, that after the passing of the act no poor person should gain a settlement by delivery of notice, or by publication in the church, cutting up root and branch the settlement by a simple residence of 40 days. But, as if this were not sufficient, as if enough had not been done to cripple the circulation of labour and hang around with difficulties the settlement of the poor, the next section enacts, that no settlement should be gained by the payment of poor-rates on any tenement rented at less than ten pounds a-year; so that, by this last clause, a man may, during a long life, pay poor-rates on the rent of his cottage, carefully not let at ten pounds a-year, but at a rent much too high; if this rate falls into arrear, he is liable to be summoned before a magistrate, and distress made on his goods, and after many years of his life having contributed to the poor fund out of his weekly earnings, when he has himself need of assistance, not one farthing can he claim from the fund to which he has for so long a period contributed. But he is removed to a parish in which he is an entire stranger, and to which he is sure to be considered as a most unwelcome visitor. Now, Sir, this is the system with which the poor are at the present day afflicted; from which has emanated such unhappy and alarming results; and which I am most anxious gradually to ameliorate. It is a system that has debased and degraded all the lower ranks of society; it has broken down that spirit of independence for which the peasantry of England had been for so many years conspicuous; and which alone will enable them to struggle with the difficulties of their station, and preserve them valuable members of society. It has, in addition to the above evils, created a perpetual war between parish and parish, and instead of the parish officers being occupied with the care of their poor, in too many instances it has engaged them in endless litigation. By a reference to the report from the committee on the Poor-Laws, it will be seen, that in the year 1815, the sums expended in litigation and removal amounted to 287,000*l.*; and that in one year the appeals against orders of removal amounted to about 4,700.

Now, Sir, for this system such as I have described it, I wish gradually to substitute residence as the only title to settlement. I wish to bring back the law to what it was before the passing of these ill-fated acts, and nearly to what it is at the present day in Scotland. I am well aware that any sudden change might operate most injuriously to a great portion of the property of the kingdom, and in many instances to the poor themselves. But, before I explain the mode by which I would effect this gradual alteration, let us inquire from what quarters opposition may be expected to residence as the only title to settlement. Agricultural parishes will not, it is presumed, object to the change; there are under the present system, just as many paupers passed back to an agricultural parish, as there are passed out of it; as far as numbers go with agricultural parishes, it is a complete give and take question, exposing these parishes at the same time to most expensive litigation. But, Sir, it is from large manufacturing parishes that resistance will be made to the alteration proposed; they contend, if residence entitled a man to settlement, and a large manufactory failed, thousands would be thrown on the parish without the means of affording them relief. Now, Sir, how stands the law at present on this subject? If a man cannot procure work, he is to make application to the overseer of the parish in which he may chance to reside; if the officer does not consider him a parishioner he is to carry the applicant before two justices, who are to examine him on oath as to his last legal settlement, and adjudge him to be settled accordingly, making an order in writing for the pauper's removal at the expense of the parish in which the pauper may chance to reside. Apply this law to a failing manufactory: four or five thousand applicants are to be taken before two magistrates, each separately examined as to his last legal settlement, and then, by an order in writing and at the expense of the manufacturing parish, all these paupers are to be removed to half the parishes in the kingdom. Why, Sir, the thing is impracticable; the expense of the removals alone would be intolerable, and never could be endured; independent of the numberless appeals that the manufacturing parish would, in such a case, have to defend. I shall be told, this is an extreme case. I admit it is so: but it is by extreme cases that I shall be combated, and though such a case as I have represented is an extreme one, it is not at the same time an imaginary one.—The hon. member then quoted instances where some of the iron manufactories in Wales had failed, and where removals had taken place to a very limited extent. But the workmen had got off to other forges as well as they could; and he also stated when rooms were opened in London during the severe weather for the reception of the houseless poor, it was found impracticable to remove them under the settlement laws. But when the weather broke up, they were turned into the street with a few shillings in their pockets to scramble away as well as they could. If then, Sir, the present laws for the removal and settlement of the poor cannot in extreme cases be now acted on, nor can manufacturing parishes in the event of great failures avail themselves of these laws to cast off the burthen of their unemployed poor: if the agricultural parishes are in no way interested in their preservation; and if all the lower classes of society are most deeply interested in their repeal; I should hope the resolutions I shall have the honour to move for their alteration will not meet with the serious opposition of the House. Sir, I am well aware of the delicacy of the ground on which I am travelling; I am well aware that a system that has been for so many years acted on, and is so deeply rooted in our domestic policy, cannot be suddenly abrogated. I well understand that any sudden change would not only be injurious to property, but to the poor themselves. I wish to make the alteration as gradual and as imperceptible as possible; I wish that a better order of things, and a sounder policy should steal on us as it were unawares, and that we should begin by laying the foundation, and work it into use as we may proceed. I should first propose, that all persons residing fifteen years in a parish, in the event of their having occasion to apply for parochial relief, should be exempt from an order of removal. There must be few gentlemen in this House who will say that a person who has lived fifteen years in a parish, without receiving parochial relief, ought, under any circumstances, to be removed out of it. But it will be asked, how can a parish prove a residence of fifteen years? In very few instances will a parish be able to do so; but the pauper himself will have that power. It will be again asked, whether the choice of a parish ought to be left in the hands of a pauper? In such a case it certainly should. A poor man should be enabled to plead a fifteen years residence against any order for his removal from a parish in which he may have, for that long period, industriously laboured. Why, Sir, what is the daily complaint now made against the poor? namely, that they have lost their independence; that they are now dead to a sense of shame; that the high spirit for which the British peasant had been for so many years, conspicuous was gone; that they now leaned on the poor-rates on all occasions; and that they made no effort to go alone. Why, Sir, before you attempt to run, you must learn to walk; and I wish to teach the poor to walk alone, in the first instance, before I attempt to excite them to greater exertions. The proving therefore a residence of fifteen or fourteen years, or indeed some other years of the scale, will very much depend on the will of the pauper himself. But as the scale descends every year, it will become more easy every year; it will be more in the hands of the parish officers, and if the House will permit the scale to descend to one year, which I anxiously hope may be the case, when that period arrives it will put an end to removals altogether. I need not now, however, detain the house by going into a consideration of this latter period; all I will observe is, that just in proportion as you facilitate the gaining a settlement, you facilitate the change of settlement; and manufacturing parishes therefore, who may dread the effects of a failure of any manufactory, are deeply interested in making the new residents transfer a settlement at the shortest possible period.

Sir, I think I need not detain the House by going at length into any observations on the advantages to be derived to the poor themselves, and the country in general, by setting free the people of England. Liberty will be sure to give that spring to the exertions of the poor, that can alone raise them from that degraded condition into which they have now unfortunately fallen, and from which every man who feels as he ought would wish to rescue them. If we hold out our hands to the lower orders, we may still raise them; but if on the contrary amelioration is rejected, and our present ill-fated and short-sighted policy is persevered in, the march of pauperism will go forward until it has absorbed the whole property of the kingdom. Sir, this is the view I take of this important subject; but I should not have felt justified in bringing it under the consideration of the House, if I had not been justified by authorities to which I shall ever pay respect and deference, and which I now wish to recall to your notice.

The hon. member then read several passages from the report from the Select Committee on the Poor-laws made in 1817; in which the present settlement laws are most strongly reprobated, and their total repeal recommended, and a three years residence proposed to be substituted. He next quoted some passages in the late Mr. Colquhoun's Treatise on Indigence and Propositions for the amelioration of the condition of the Poor; in which the laws of settlement are treated of, and to them many of the evils and misery that afflict society are attributed. Mr. Colquhoun in this work recommended their total repeal.—The hon. Member then read some quotations from a speech delivered by Mr. Pitt in the year 1796, in which he stated, that the evils complained of, in his opinion, originated in the abuses which had crept into the poor-laws; that the laws of settlement tended to fetter the circulation of labour, and although the parish officer could not now remove a workman until he became actually chargeable, still from the pressure of a temporary distress, might the industrious mechanic be transported from the place where his exertions could be useful to himself and his family, to a quarter where he would become a burthen without the capacity of being even able to provide for himself. To remedy such a great striking grievance, said Mr. Pitt, the laws of settlement ought to undergo a radical amendment.—The honourable Colonel then concluded by saying, that late in the last session of Parliament, his lamented relative, the late Secretary for Foreign affairs, interested himself to procure the order for printing the Resolutions he should then move; that the last time he ever saw him, these resolutions were the subject of their conversation; and as a sincere friend to the poor man it was but justice to his memory to declare, that they would have received his powerful support, as they did receive his unqualified approbation.—The hon. Colonel then moved the first of the following Resolutions:

1. "That the various provisions of the laws for the Settlement of the Poor have given rise to a course of expensive and embarrassing litigation.

2. "That frauds are frequently committed, and, in many parts of the kingdom, generally adopted, to defeat the obtaining of settlements by poor Persons, who may, at future periods, become applicants for parochial relief.

3. "That the Removal of poor Persons who are incapable of maintaining themselves, to the places of their settlement, is frequently attended with much trouble, expense, and litigation; and with grievous oppression to the industrious and honest amongst them.

4. "That it is not expedient that any poor Person or Persons should be removed from any Parish, Township or Place, (by reason of such poor Person or Persons being chargeable or incapable of maintaining him or themselves) between the first day of August 1823, and the first day of August 1824, in which such poor Person or Persons shall have been principally resident or domicil for the space of Fifteen years;—or, between the first day of August 1824, and the first day of August 1825, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Fourteen years;—or, between the first day of August 1825, and the first day of August 1826, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Thirteen years;—or, between the first day of August 1826, and the first day of August 1827, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Twelve years;—or, between the first day of August 1827, and the first day of August 1828, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Eleven years;—or, between the first day of August 1828, and the first day of August 1829, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Ten years;—or, between the first day of August 1829, and the first day of August 1830, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Nine years;—or, between the first day of August 1830, and the first day of August 1831, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Eight years;—or, between the first day of August 1831, and the first day of August 1832, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Seven years;—or, between the first day of August 1832, and the first day of August 1833, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Six years;—or, between the first day of August 1833, and the first day of August 1834, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Five years;—or, between the first day of August 1834, and the first day of August 1835, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Four years;—or, between the first day of August 1835, and the first day of August 1836, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Three years;—or, between the first day of August 1836, and the first day of August 1837, in which such poor Person or Persons shall have been principally resident or domicil, for the space of Two years.

5. "That from and after the first day of August 1837, no poor Person or Persons should be removed from any Parish, Township or Place, by reason of such poor Person or Persons being chargeable or incapable of maintaining him or themselves, in which such poor Person or Persons shall have been principally resident or domicil, for the space of One year."

Lord *Althorp* said, he agreed entirely in the principles of the resolutions, that he should give them his support, though he had some doubts as to the extent of their benefit. The evils of the law of settlement were—1. Their interference with the freedom of labour.—2. The expenses of removal.—3. The expense of litigation. The first of these evils, the measure would, in proportion as it came into effect, lessen; and, of course, the second in some degree, as those who had been resident for 15 years would not be liable to be removed. But, as to the expense of litigation, he doubted whether the effect might not be to increase it. To decide what was residence, would be left to the discretion of the magistrates; and he feared this would be a constant ground of appeal to the quarter sessions. Under the present mode of gaining a settlement, by hiring and service for a year and a day, there were constant attempts to evade the law, by hiring for fifty-one weeks, by releasing a certain term of the service, &c., and constant litigation to know whether the devices vitiated the contract. In the like manner, he feared the question, what was residence for a certain term, would be an endless source of litigation. There was one hardship under the present law, which he wished to see some provision to alleviate. No man was removeable, till he was actually chargeable. Now this, though it was very proper where the removal was compulsory, pressed hard upon the poor man when he wished to be removed to the place where he must ultimately be fixed. He should wish to see some enactment to enable the overseers to remove a poor man likely to become chargeable, at his own express desire.

Mr. *Scarlett* said, that though the result of his efforts last year were not calculated to encourage him again to enter upon this topic, still the subject was of such vast importance, that he could not avoid saying a few words. If the House had last year gone into the committee with him, he would have proposed some such measure as that which was now brought forward by his hon. friend; and he now came forward to redeem his pledge to his hon. friend, to support such a measure whenever he might bring it forward. He differed from his noble friend, who thought that the proposed alteration would increase litigation. He, on the contrary, was satisfied that it would materially diminish it; because the right to remove would be limited by a residence of a certain number of years. As the measure proposed that all persons who had resided in any parish fifteen years should not be liable to removal, all the litigation which applications for the removal of such persons now gave rise to would be cut off. And it was to be remarked, that in proportion to the time that a man had resided in a parish in which he might have spent his youth and strength, became the temptation to remove him to another parish, to be supported in age and infirmity. No new source of litigation was created; the mass of litigation, therefore, must be decreased, and in no inconsiderable degree. He was convinced that no measure would palliate the evil of the poor-laws, unless the mischief was checked in its source by the abolition of the laws relating to removals. In the measure he had last year proposed, he had sought in the first place to limit the absolute sum raised for the poor, and he deemed it a favourable time to do so when the Bill of the right hon. secretary (Mr. Peel) had raised the value of the currency, and had made it improbable that a large pecuniary assessment would for some time be demanded. Since the passing of that bill the pecuniary amount of the poor-rate had diminished, though, as compared with the price of provisions, it would be found to have increased, and would go on increasing. His next object was, to stop the abuse of the statute of Elizabeth, and to restore it to its original intent, by confining the relief to those who are unable to work, instead of extending it to those who are unwilling to work. This abuse had had its origin in the law of removals, which it was his third object to have done away with. Down to the period of the Commonwealth, there had been no complaints of the poor-laws; but at that time, for obvious reasons, the civil war had produced a system of wandering among the poor, which, in the reign of Charles 2nd, was animadverted on. From that period the unhappy law of settlement, 13 and 14 Charles 2nd, had its rise. Never was there a more serious blow at the happiness and liberty of the country—never was there a law more hostile to all principles of sound political economy and justice. It placed the whole labouring population of the country in a state of hopeless servitude, since it empowered the overseers to remove any man likely to become chargeable. The pamphlets of the day, and the Journals of the House teemed with projects for the improvement of what was in itself unimprovable. This law had been the origin, as had been well observed, of more litigation than any law which ever existed. Setting aside the numerous decisions of the court of King's-bench, the justices in all the counties in England were four times a year chiefly occupied in deciding questions arising out of this artificial system, viz.:—Where a poor man, entitled to maintenance, should be maintained. The hardship of removals was so grievous, that cases of exception had been introduced;—first, In case a man had been hired, and served for a year;

next, in case he paid the poor-rates; next, in case he filled an annual office; next, in case he was an apprentice. In all these cases the original law of 40 days settlement was reverted to; so that a man who was an apprentice was settled in the place where he had been last resident for 40 days. This system was so inconvenient, that the law of certificates was introduced; so that a man was not to be disturbed, when he brought a certificate that he had a legal settlement in some other place. Lastly, came the law that no man should be removable until he was actually chargeable. This system, even as it now existed, was extremely expensive; and, what he hoped was not to be disregarded, extremely inconvenient and oppressive to the poor. Gentlemen would recollect the time when the poor man felt a strong objection to be on the parish. And did they not now perceive that this feeling was fast wearing away? According to the last returns, 9¼ per cent. of the population received parochial relief, and he had no doubt that this proportion had since increased. Indeed, the poor man might reasonably say, "If you will not allow me freely to circulate the only commodity I possess, the labour of my hands, you must maintain me: if I cannot remove without being liable to be sent back to the place where I was born, you must then maintain me here." Many able-bodied men who could find no work in the parishes where they were settled, made this the pretext for not removing to a manufacturing town, that on the first moment of temporary want they should be sent back again, and that they were subject to restraint and corporal punishment if their means should be deficient. The only defence of the law of removal was, that it acted as a penalty to prevent a man coming on the parish. He acknowledged that this had some force, though it was founded in no principle of justice. The proposal contained in the resolutions was a most cautious experiment, as it would be in the power of the House to stop at any moment. In the petitions which had been presented to the House, the poor-rates had been complained of as a peculiar tax on the agricultural interest. Now, it was the effect of the law of removals to increase this peculiar tax, by enabling manufacturing towns that had the advantage of the labour of men in their vigour, to send them to the country parishes to be supported in their old age. In point of fact, the manufacturing districts were much less heavily assessed to the poor than the agricultural. Sussex, an exclusively agricultural county, with a population of less than 200,000, and property assessed to the property tax, under schedule A., of 900,000*l*., paid 265,000*l*., poor-rates; while Lancashire, with a population of a million, and three millions assessed to the property tax, paid only 214,000*l*. poor-rates. It was a matter of justice that the manufacturing towns should not be allowed to throw back their burthens on the country. For these reasons, and because the experiment was a safe and cautious one, he should heartily support the measure.

Mr. *Lockhart* contended, that the proposed measure would produce as much litigation as the existing law, from the extreme uncertainty, not only of legal constructions, but of facts necessarily arising as to the question of residence.

Mr. Secretary *Peel* said, it was of the utmost importance that the House should be in possession of the clearest information before they proceeded to legislate on this important subject. The resolutions involved, not merely the general principle, but a number of multifarious details, upon which it would be scarcely possible to found any practical measure during the present session. Under these circumstances, he recommended the hon. member to withdraw his resolutions, and ask for leave to bring in a bill, which might be committed *pro forma*, and printed, so as to afford an opportunity of bringing the whole subject under the consideration of the House in the course of the next session.

Mr. *Monck* knew of but one remedy for the evil of the poor-rates, and that was their total but gradual extinction.

Colonel *Wood* withdrew his resolutions, and gave notice, that to-morrow he would move for leave to bring in a bill to amend the laws relating to the Settlement of the Poor.

COURT OF CHANCERY.] Mr. *J. Williams*, in rising to bring forward the motion of which he had given notice, said, that if his object were, to produce a change in the state of the Court of Chancery, rather than to restore what had been altered, he should despair of success; because he was well aware that the argument or clamour, whatever it might be called, would immediately be raised, which invariably imputed danger to every innovation, though existing mischief might be pointed out, and a practicable ground of improvement demonstrated. He thought, however, that too many changes and innovations had been made of late years in the regulation of judicial proceedings. Much derangement and disorganization had arisen in the business of the court of King's-bench from this cause, and within the last ten years a sweeping revolution—he could call it no less—had taken place in the state of the court of Chancery. He was weary of these changes. He wished to introduce no further innovation; but, on the contrary, to interpose a pause, that the whole subject might be fully investigated; and, in the motion with which he should conclude, he trusted he should meet with the unanimous and consistent support of all those who, either from habit or principle, were opposed to every innovation, and chiefly to unnecessary and causeless innovation. Though the subject he had chosen was not novel or inviting, its importance was, he trusted, sufficient to attract attention. It had been the declared opinion of a late noble marquis (Londonderry), that evils existed in the court of Chancery of no ordinary magnitude; and of the hon. member for Corfecastle, that those evils, and especially the long delays, amounted to an actual denial of justice. These opinions were more especially true after the measure of the year 1813, which had not only utterly failed in its object, but had radically revolutionized the court of Chancery. It now seemed to be conceded, on all hands, that evils of no ordinary magnitude existed, and that the present system could no longer go on without some amendment or improvement. He was at a loss, therefore, to imagine what possible ground could be alleged for opposing inquiry, when the mischief was not only admitted, but when a variety of remedies, all of which deserved attention, had been suggested.

He would take the liberty of calling the attention of the House to some of those remedies. The first he should notice was that of separating the office of chancellor from that of prolocutor of the House of Lords, which had been proposed in the year 1813, and had since been gaining credit. The second plan was that of striking off from the jurisdiction of the lord chancellor, all the business connected with matters of bankruptcy. Both of these plans were certainly of a sweeping description, and should be well weighed, as they went, in no small degree, to diminish the emoluments of the lord chancellor. The third plan was that of giving some efficient judicial situation to the chancellor of the duchy of Lancaster, which would enable him to take a portion of the accumulated business of the court of Chancery. A fourth plan was the appointment of commissioners for the single purpose of hearing Scotch appeals, the accumulation of which was a source of grievance to the suitors. A fifth plan was that of taking away the whole of the equitable jurisdiction of the lord chancellor, and leaving him only an appellant jurisdiction. A sixth plan was, to enable the masters in Chancery to take certain motions, which were merely motions of course; such as motions for time to plead, payment of money into court, and others of a similar nature. Of all these plans he was unable to say that he could give a preference to any one of them. Nor was the House in a condition to give a preference to any one of them; if he might judge from the course which they took ten years ago, when they were content to legislate without inquiry, and to act upon a recommendation, without hearing the grounds of that recommendation, against all the weight of argument, and all the wisdom of prediction.

To show that the measure of 1813 had failed, it was only necessary to show, first, that the necessity of a fresh inquiry was now admitted; and secondly, that the preamble of the very bill recited the identical grievances which were now pressing themselves upon the consideration of the House. He could not, therefore, suppose that any hon. gentleman would object to inquiry, excepting on the most singular of all grounds; namely, that the House legislated best when it understood the least. His motion proceeded upon distinct and somewhat more particular grounds. He was aware that he was now approaching a part of the subject most important and most difficult. It had been once said by a great authority in that House, that whenever a man attempted to touch a public grievance, there was danger lest he should come near persons of weight and authority, who would be rather exasperated by exposure than thankful for the opportunity of correction. He (Mr. Williams) knew that, like all others who had gone before him, he must incur this peril; and he therefore begged to be allowed, in the first instance, to clear his way. In making the observations he should feel it his duty to offer, he should not forget his inferior situation, and the eminent rank of the distinguished and highly-gifted person who presided over the court of Chancery, and had control over the whole law of the country. In the observations which he should feel it his duty to make with reference to that distinguished individual, he should not forget that he was at the bottom of that profession of which that noble and learned person had been, for nearly a quarter of a century, at the head. That individual reigned as absolute and uncontrolled in the profession as any of the potentates in the holy fraternity which had been so often alluded to in that House, and the certainty of his remaining so during life was much greater than any of that fraternity could calculate upon. He should not forget that he was speaking of a person far advanced in age—of legal acquisition never surpassed, and probably never equalled—with a variety of information prepared to meet any subject—with a memory that never failed, and an experience that had rarely been exceeded. He had thus, he hoped, with no unsparing hand, done something like justice to the individual; and, if more were deserved, he left it to those who were better skilled in panegyric. But although it was scarcely possible to go further in the way of panegyric than he had gone, and was disposed to go, upon many of the qualifications of the noble personage in question, yet, unfortunately, those high qualities stood combined with one defect, which destroyed and defeated almost all their usefulness—with a degree of learned doubtfulness—that *dubitandi patientia* described by lord Bacon, in his essay on philosophic character, as the faculty which in its first operation disposed the mind for inquiry, but which, indulged too far, degenerated into habit, into weakness, and even into vice. Unfortunately, those great and estimable talents were joined to a degree of indecisiveness and over caution which neutralized, and he might almost say annihilated, the high advantages which should have resulted from them. The fault which he now alluded to was not one of his own seeking or finding out. He expressed an opinion that was general, and that was entertained by many practitioners in the court of Chancery. Indeed, upon the sense of the thing, as he apprehended, there could be but one opinion. To wait, in a question of law or of politics, for that absolute degree of certainty which could only be found in the pure and abstract sciences, was to reject every principle upon which moral reasoning must proceed. There was a short story upon the subject of doubting which, though familiar to the minds of hon. members, he begged to repeat upon this occasion. Hiero, king of Syracuse, proposed to Simonides the poet, and by some also considered a philosopher, a question of rather difficult solution. The poet begged to be allowed a day to consider of his answer. This the monarch readily granted. The day being expired, the monarch called for the answer; but Simonides, not having decided, begged to be allowed two days more. This request was also granted; but at the expiration of each given time, he begged for four days, eight days, and so on, always increasing his demand in geometrical progression. At length the king, losing all patience—as well he might under such circumstances—insisted upon knowing this poetical philosopher's answer, which was—"that the more he considered of the question, the more he doubted upon it." In fact, it could hardly be denied, that the habit of doubt might go so far as to unfit the mind altogether for consideration, and to render the slightest point a matter of difficulty. To wait in a case of law until the whole evidence should be marshalled on one side, and no jot of argument or testimony appear on the other, was to be as absurd as the rustic who waited till the river should cease to flow—

> "Rusticus expectat dum defluat amnis at ille
> Labitur et labetur in omne volubilis ævum."

The question, then, to which he should more immediately address himself, and the question which he thought the true one for the consideration of the House was, whether the system of our equity jurisdiction was originally faulty in itself, or whether, and how far, it was the execution of that system which had failed? It would be his unpleasant duty, upon that question, to enter considerably into detail. He was sorry to take up the time of the House; but it had been well observed, that general assertions proved nothing, and rested upon nothing. With respect to the particular cases which he should cite in the course of his speech, he would state no facts but such as he believed he could fully establish before a committee. He had admitted none without ample investigation, and had rejected none which had evidence to bear them out. "Nequid falsi dicere audeam, nequid veri non audeam." It was notorious to every one who was conversant with the practice of the court of Chancery, that the grand source of ruin to the suitor was the delay. At the outset of a cause, it commonly happened that a partial hearing was obtained. The matter probably proceeded before the chancellor up to a certain point, at which it was interrupted, perhaps, by the mere circumstance of his lordship's leaving the court. The whole then stood over for an uncertain period; when it came on it was entirely forgotten, and the discussion had to re-commence de novo [Cries of hear, hear! from a member]. If the hon. member who cheered him so violently were once before a committee of inquiry, he would undertake to establish this part of his case by the evidence of that hon. member himself. It was not his intention to delay the House by entering into a dull, dry detail of the business of the court of Chancery; but there were some points to which he was necessarily bound to call their attention. A gentleman who kept weekly accounts regularly, would find no difficulty in keeping such accounts in regular order: if he allowed those accounts to run for six months, he would find much difficulty in arranging them; but if they were allowed to run unchecked for six years, he would find them grown to such a bulk, that, turning aside in despair, he would leave them uninquired into. He did not mean to keep out of view the fact, that much inconvenience had arisen out of the new arrangement. The House must at once perceive that he alluded to the institution of the vice-chancellor's court. In addition to this, he understood that there existed between the attorneys of both courts an understanding, which if the bill of the hon. member for Coventry, for regulating the combinations of masters and workmen, could be applied to them, would lay several of them by the heels in Newgate.

To return to the question of delays in the court of Chancery. The House were aware, that returns had been laid on the table of the state of business in the court of Chancery, from the year 1801 up to the year 1821. From that account it appeared, that the number of causes in arrear, upon the appointment of the vice-chancellor in 1813, amounted to 141; exceptions and further directions, 61; pleas and demurrers, 16; and re-hearings and appeals, 41. From that time it appeared that there was an accumulation of business in arrear, and of course an increase of delay; for it appeared, that the number of causes standing before the vice-chancellor in 1822 (and it was to be observed, that all causes were referred to him, whether the parties liked it or not) amounted to 161 standing for hearing, making an increase of 20 causes; 15 pleas and demurrers (making a reduction of one); and re-hearings and appeals, 101; making an increase of 60 since the appointment of the additional office. So that it was clear there had been a great increase in the arrear of business since the appointment of the vice-chancellor. He had now an account of the state of business in Chancery at the present time, and he found that the re-hearings and appeals only in arrear were 135 in number, being a trifle less than the whole arrear of causes existing at the time when the vice-chancellor's court was instituted. The truth was, that since the creation of the vice-chancellor's court, suitors could not obtain the opinion of the lord chancellor but in the way of re-hearing and appeal. And it was worth while to observe that, whereas, in the discussion of last year, credit had been given to the lord chancellor for having, between the years 1813 and 1821, actually disposed, in the way of business, of 157 appeals, the fact really was, that, of the 157 appeals so disposed of, 83 had been merely struck out of the paper, leaving the number actually heard and decided—not 157, but 74. He could not too strongly press upon the recollection of the House, that the great original business of the court of Chancery was now regularly sent to the vice-chancellor. Since that desperate institution—the institution of the vice-chancellor's court—the subject was actually deprived of his right—of his right to the opinion of the first law authority in the kingdom, unless he purchased that opinion at the expense of double delay and double costs. The lord chancellor's paper, at the present moment, did not contain the term causes at all. Term causes, exceptions and further directions, pleas and demurrers, all these matters, except in especial cases, were handed over to the vice-chancellor; and the lord chancellor's paper was cut down from its original contents, to matters of petition, motion, re-hearing, and appeal. It appeared, by documents in his hand, that from the year 1818 to the year 1822, inclusive, the lord chancellor had only heard 19 causes. It appeared further, that, in the course of the last eight years, the vice-chancellor (who had all the causes and other matters transferred to him) had disposed of as many motions as 14,560, while the lord chancellor, in the same period, had decided only 5,255. These were facts proved by the papers upon the table of the house.

The instances of ruinous delay and expense which he was about to bring forward would be equally established by vouchers not to be contradicted; and they would be instances, not of exception to the ordinary rule, but instances of the common practice of the court. He begged to assure the House they were not instances sought or selected. They were not gathered as cases of hardship from among the whole two thousand practitioners who did business in the courts of equity. All the cases he should bring forward, and all the documents he possessed, had been furnished to him by one single office. Indeed, he was free to declare, that solicitors were not at all anxious to come forward with such information; that many of them entertained apprehensions, having important causes pending. They did not know what might be the consequence of their volunteering in such business. And really, when the extraordinary power possessed by the court was considered, the existence of such apprehensions could not be matter of wonder. Perhaps even the respectful mode of a member's discharging his duty in the House of Commons upon the present question might not be forgotten. For himself, he was happy to say, that he felt quite indifferent upon that point; but it was not extraordinary, that persons very immediately connected with the court should entertain apprehensions for their own interests, or at least for those of their clients.

He should now, however, come at once to the cases which he held in his hand; and he believed that those cases would sufficiently prove that there was something in the charge of delays in the court of Chancery, although the complaint was rather a comprehensive one, and so hackneyed as to be proverbial; and that those delays afforded matter as important for the consideration of the House, as their operation was productive of suffering to the suitors. The first case on his list was the case of Brown *v.* De Tastet. Its circumstances ran thus:—A bill was filed to obtain an account, and in 1812 the master of the rolls made a decree that an account should be taken. In the same year, 1812, the decree of the master of the rolls was appealed from; and that cause came to be heard before the lord chancellor late in the year 1821 [Hear!]. But this was not all. He complained not merely of delay. There were other considerations. In the course of the case there was a reference to the master; and, from the report of the master, there was an appeal to the vice-chancellor. The appeal from the master's report, which report cost not less than 500*l.* and which the House would presently see was quite unnecessary, and that the 500*l.* might as well, and better, have been thrown into the kennel—that appeal came on to be heard in the year 1816. The vice-chancellor set aside the master's report; and then there was an appeal from the vice-chancellor to the chancellor against his decree setting that report aside.—He now came for a moment to the bill of costs—a matter of some weight in such proceedings—and he should show the House a little of the interior of a chancery suit. In the first place, it was to be understood, that from the time of filing a bill, the solicitor and clerk in court became entitled to what were called their "term fees"—that was, to 1*l.* 1*s.* 8*d.* each term, so long as the cause lasted. For, according to Hudibras, there was—

> "As long as pocket shall hold out,
> No end to the immortal suit."

From the time of the cause being entered for hearing in the cause-paper of the day, the solicitors were entitled to another fee of 10*s.* and sometimes it so happened that there were several solicitors engaged in the same cause. From the time of the cause being set down for a hearing, the clerk of the court and the solicitor were entitled to a term fee of 1*l.* 1*s.* 8*d.* between them, 6*s.* 8*d.* of which went to the clerk. Now, in the cause of Brown *v.* De Tastet, the term fees began in the year 1812, and went on to the beginning of the year 1819. In January 1819, both the appeals—that from the master of the rolls, and that from the vice-chancellor—got into the lord chancellor's paper, and continued there, off and on, through the year 1820 to the end of the year 1821; the attendances charged in that cause amounting to no less a sum than 450*l.* Nor was this by any means all. The learned counsel at the bar found it impossible to endure the fatigues of such a cause without what were called refreshers [Hear, and a laugh]. Upon those refreshers the learned barristers did manage to maintain their strength; but, for the unfortunate suitor, what "refresher" was there for him? Alas! none. He wandered over a dreary waste, barren and parched on every side. There was no green bright spot for his eye to rest upon; and, what was worse, he saw as little limit to the desert as likelihood of finding a road out of it.

Leaving however the case of Brown *v.* De Tastet, he would come to the second cause upon his paper. This was the case of Oldham *v.* Cooke and Bovill. It was a bill filed for a debt claimed to be due to a legatee. The bill was filed in the year 1815, and the answer was put in in 1816. In that answer, the trustee, against whom the bill was filed, admitted the possession of assets to the extent of 1,200*l.*; but the answer was not deemed satisfactory, because it did not give reasons why he had not a larger fund. In 1816, the answer was excepted to; and the exceptions were allowed. The house would observe, that the knotty point in debate, a point worthy of Simonides himself, was, whether the trustee had given reasons for his fund in hand not being larger. Upon that point, since the year 1816, there had been charges for 64 attendances; and even at the present moment it was not decided.—Take next the case of Whitechurch *v.* Holunthy. This was a bill filed in 1811, to restrain a lord of a manor from cutting down timber. An injunction was obtained in the first instance; and a special case was made for the court of King's Bench. In the year 1815 that special case was answered, and the certificate sent back to the court of Chancery. During the years 1816, 1817, 1818, and 1819, it lay in the book of the Registrar, and never got into the lord chancellor's paper at all. In the year 1820, it was sent to the vice-chancellor. No sooner did it get there, than it was sent back to the lord chancellor. There were attendances running on upon it in the years 1821 and 1822; and, up to the present hour, it was not decided [Hear, hear]. The next case to which he would advert was the case of Fillingham *v.* Bromley. In that case, the bill was filed for specific performance of a contract. There was a decree by the vice-chancellor, which was appealed from to the chancellor. The chancellor, on hearing the cause, expressed his opinion in favour of the defendant, but refused at once to give his judgment. Now, he was credibly informed, that, from the great learning and acute perception of the lord chancellor, it seldom, if ever, happened that he gave an opinion on the outset of a case which was not a right one; but, unfortunately, the judicial expression of that opinion was often delayed to a degree which materially weakened its value. In the case of Fillingham *v.* Bromley, the cause remained until the year 1822, without one single step being taken in it.—In the last case but one to which he should refer, the case of Powell *v.* Sergeant and others, the bill had been filed in the year 1812; and the cause had ended nine years after, in the year 1821. During the whole of that period, of course, the term fees were going on. There was a demurrer to the bill, raising simply the question how far Sergeant, one of the defendants, was properly a party to the cause. The decision of that preliminary question, which might have been settled in half an hour, had kept the cause lingering for no less than five years; and it had cost the parties just 80 attendances.—There was one more case, and only one, with which he would try the patience of the House; and that was a case as to which he had in his possession the original papers. It was the case of Ware *v.* Horwood. In the case of Ware *v.* Horwood, which had enjoyed the advantage of having a supplemental bill, and a bill of reviver attached to it, a decree had been made by the lord chancellor in the year 1820. An objection was started to that decree, that it had been obtained surreptitiously, and to the exclusion of one party in the cause. Upon that ground, a motion was made; and he held in his hand an affidavit from the party who showed cause against that motion, some passages of which were worth the attention of hon. members. The deponent said, that, "owing to other causes being daily placed at the head of the Lord Chancellor's paper, either "for judgment" or "to be spoken to" and owing to the length of "the seal," and to the number of motions made, he (the deponent) had found it impossible to obtain the lord chancellor's decision upon his cause; and that, having bitter complaints made to him by his clients of delay, and finding that the cause had not been placed in the lord chancellor's paper, according to the lord chancellor's order—finding these things, he had been induced, on the 15th of July, 1820, to write a letter to the lord chancellor to the following effect:—

"Ware *v.* Horwood.—My Lord; my clients have great reason to complain of the great injury suffered by them in consequence of these causes not keeping their station at the head of your lordship's paper, agreeably to your lordship's order repeatedly given in my hearing. It is now nearly seven years since they have been waiting for your lordship's judgment; and upwards of two years and a half ago, they had arrived at the top of the paper; at which I humbly entreat they may, until you can decide upon them, remain. There is a fund in Court of 10,000*l.* and upwards, locked up until your lordship decides on these causes; and it is therefore matter of great importance to my unfortunate clients that your lordship's decision may not be delayed by the circumstances to which I have above alluded. It is painful to me to state to your lordship, that I have learnt from authority, which I have no reason to doubt, that the infant, for whose benefit those suits were instituted twenty years ago, *died of a broken heart*,* on account of being kept out of his property; and that I have to contend against the bitter feelings of his relations. Under this distressing circumstance, knowing that your lordship will pardon the liberty I have taken in thus addressing you, and which nothing but the imperious necessity of the case could have induced me to have done, I have the honour, &c."

The affidavit which he held, deposed that the lord chancellor had, in consequence, given immediate direction to have the case reinstated in its former position on the paper; that the case was accordingly brought on speedily for hearing, and the deponent was thereupon required to attend in his lordship's private room, which he accordingly did, and held frequent conversations as to the subject of drawing up the decree, after judgment given in the court. He had procured the office-copy of the bill of costs put in by the solicitor who made this affidavit. He would submit the facts without any comments of his own, only premising, that the opposite parties had been led to suspect, and were informed of the fact subsequently, of these repeated audiences had of the Chancellor by one solicitor in the absence of the other solicitors in the suit, by the items in this bill. It began with charges for attendance, agreeably to the order of the court. Then the letter was charged in these terms—"for writing a long letter to his lordship, on the subject of the cause, and importuning particular attention to it, 9*s.* 6*d.*; attending the court to get the cause reinstated on the paper, 13*s.* 4*d.*; attending the court at the time of hearing the petition, 2*l.*" &c. It happened well for this felicitous man, that he was solicitor also for one of the defendants in the cause. That which had been denied to the wishes of the historian, the power of a divisible identity, had been kindly imparted by Chancery to this solicitor, against the manifest law of nature. He was enabled to represent several individuals in different places at the same juncture of time, though possessing but one personal identity. Accordingly, each of the items was accompanied with a corresponding fee for attendance upon the original cause for the other side. One of these items would be almost incredible to the house—"Attending the lord chancellor in his private room, when his lordship begged for further indulgence till tomorrow, 13*s.* 4*d.*" There were repeated charges for attendance in his lordship's private room concerning the decree, in which a variety of observations were made by his lordship, as to the terms of it; the same fee being invariably charged for attendance in the original cause. Having stated thus much upon the nature and quality of the attendances (which consisted of little more than fixing the times of postponement, and latterly trifling alterations in the terms of the decree) he had now only to state the gross charge for them in the bill. The sum was no less in amount than 1,030*l.* for these attendances alone.[Hear, hear]. Upon the circumstance of this solicitor attending the private room of the court, without any other solicitor in the cause being present, he would say nothing, but leave it to the reflections of those who heard him. But, what must be the sense of that great, eminent, and powerful magistrate, as to the justice due to the parties, that he should have endured the writing of a letter to him in terms upon a case depending? Not only so, but that he should, to a suitor of his court, or as the phrase of another jurisdiction was, an orator to this process, pray for further delay, and entreat that the time until the morrow should be allowed him for preparation—that he should endure in any man the audacity of writing to him, the highest magistrate and subject in the state, to importune him for his particular and partial attention to the case of one suitor in a cause? These things he must leave to the consideration of the House, without a single comment of his own.

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* Shortly after this debate a pamphlet was published, by Mr. Murray of Albemarle-street, intitled, "Observations on the Judges of the Court of Chancery and the Practice and Delays complained of in that Court." It was written anonymously, but generally attributed to a gentleman who was formerly a solicitor of the court of chancery, but who, at the time of the publication, had taken his name off the rolls and had retired from practice. The following extract therefrom relates to the above case of Ware *v.* Horwood.

"This assertion appeared to my mind so improbable, that, being a man unencumbered by any profession or employment, I determined to search into its truth, and I applied to a professional friend, who is generally and deservedly esteemed in the parish where the infant died, to make similar inquiries: the result of our inquiries was the same, and we learnt from the infant's friends, and the medical gentleman who attended him on his death-bed, that there was not any reason to suppose his death was occasioned by a chancery suit, or anything connected with one; and I shall prove he had not any cause to grieve about it. Before his death he used often to lament that there could be no salvation, no grace, for such a sinner as himself; but he did not make any unkind allusion to the court of Chancery, or to the noble lord, or other judges who preside there. I am in possession, through the information of those who knew him, of the particulars of the offence that grieved him, and greatly depressed his spirits, which he refused to disclose to his doctor; but delicacy forbids my entering into the detail. This sentimental suitor, represented to have died of a broken heart, occasioned by a chancery suit, was a labouring gardener, and he lived with a person at Peckham. He was buried at Linfield, in the twenty-third year of his age, in July 1816; and during his infancy there had been spent for his maintenance and education 466*l.* which was paid to his uncle Charles, he having been allowed that sum by the report of a master in chancery, dated the 1st day of July, 1822. The infant in his will disposes of what, "if anything," should come to him from the chancery suit relating to his father's affairs; and the sum of 10,000*l.* ingeniously made use of in the letter, seems to have been, as regarded this infant suitor, (exclusive of what was due to his uncle for maintenance), about 134*l.* From searching at Doctors' Commons, I find that his uncle Charles, who was administrator to his father, administered to this infant's estate, sworn not to exceed 600*l.*; and out of this 600*l.*, 466*l.* was due to this uncle, which had been expended upon the infant during his minority, he never having received, or been in a situation to receive, anything out of court in his life-time; and therefore 134*l.* was all the infant's interesting suit, unless we can suppose his uncle Charles to have sworn to a false amount on taking out letters of administration. I find on searching at the proper office, that this infant was never arrested, and I cannot learn that he was ever known to be in pecuniary difficulties."

It was his duty next to advert to the condition of the only other two courts from which any relief could be given in equity to the claims of suitors, to see if in them also the accumulation of business was of such a kind as to come powerfully in aid of his conclusion, that inquiry should be made into the causes of the delay. In so doing, he was aware that he undertook an invidious task; but, although it was an office unwelcome and ungracious, and one from which he should derive no credit, but on the contrary, much obloquy, even from his own profession, he felt that no personal consideration should prevent the discharge of his duty. He would now call the attention of the House to the state of the court of Exchequer, the only court, in the opinion of the noble marquis, who proposed the measure to which he had alluded, which from its constitution had any tendency to relieve the higher courts. With respect to this court, he would state, not from surmise, but from what might be called history, that since the latter end of autumn, the time at which lawyers returned to their avocations, the Chief Baron had been precluded by illness from performing the duties of his station. It was known to the House that when the business was found increasing, this Judge was empowered by act of parliament to sit apart from the bench, and decide cases in equity. In consequence of his illness, this duty devolved upon certainly a most valuable gentleman, Mr. Baron Graham, of whom he, in common with others, must speak in the most handsome terms; but in his case, as in all others, time must do its work. The excellent individual of whom he spoke had attained the age of 81. It would therefore be unreasonable to expect the despatch of extraordinary business from that honourable and aged person. The next in seniority was Mr. Baron Garrow, who, from unavoidable circumstances, had been absent from the court since February last. But, had he been present, expert and justly renowned as he was for his knowledge of common law, it would be praise most absurd, it would be irony most indecent, to say of him, that his *forte* lay in equity trials. The junior, Mr. Baron Hullock, was a respected friend of his, of intelligence and ability altogether unquestionable: but he was yet fresh in the Court, and it would be indecorous to thrust him over the heads of two others, to give judgment in this separate branch of the jurisdiction. Such was the condition of that Court, upon which he would refrain from any further remarks, excepting this, that he was not certain but that other causes, well worthy of the consideration of the House, though he would not stop to specify them, might contribute towards effecting the delay of justice.—There was another Court, besides that of the vice-chancellor, which might be considered the legitimate handmaid of equity. Between this court and Chancery there was no collision of practice. They sat at different times, and without any confusion of business. Whatever was done in this lesser jurisdiction must be clear gain. It did really assist in ridding that accumulation of causes, which no learning, no ability, no perseverance could work through. But he had this to state respecting the Rolls Court, that between the time of sir William Grant sitting there, and that of the present Master, there was a very considerable difference; insomuch, that he had been informed by practitioners that there was a falling-off in the efficient business of the court; some alleging that not one-fourth, others that not one-tenth part of the business was performed now, compared with the time of sir W. Grant. Of that excellent Judge, he could not presume to speak in terms of sufficient praise. The patience he exercised in examining, was no less than his firmness and promptitude in decision. But one feature in his conduct, which proved the excellence of his mind, was this—that he did not wait till years had manifested to all men the infirmities which he knew would overtake him. He retired with all his honours fresh and blooming upon him, at a time when no one suspected in him even the approach of decay. By that departure, as much as by the excellence of his judicial conduct in examining and his prompt decisions, he had set a bright example to his brethren on all the benches, which those among them who valued the real honour of their employments would gladly follow [Loud cheers]. These accumulations in the courts of Exchequer and the Rolls suggested additional reasons for carrying the motion which he had to propose into effect. In the Exchequer court there was an arrear of 170 causes at the end of the term. The late chief Baron had sat and very assiduously discharged the business of equity, and the consequence was, that from the firmness of his decisions and the despatch together, a great portion of the causes died a natural death, and dropped out of the paper. He felt justified in assuming, that there were distinct admissions of the growing nature of the evil which it had been his business to describe, and that it was now no longer a question that some saving remedy must be applied, in order to prevent a change perfectly radical in the system. Men of skill should be examined—sound opinions should be taken—deliberation should be used; and after that, they could proceed safely to legislate; not as they had done before, legislate first, and then proceed to examine the object.

He next directed the attention of the House to the jurisdiction of appeals, which formed a joint ground for going into the inquiry sought for by his motion. He began with the case of Scotch appeals, of which it appeared that there were, between 1813 and 1823, the following numbers:—291 heard; 145 affirmed; 62 reversed; 80 remitted to the courts for consideration on fresh facts; 2 altered. Upon the total, it appeared, that the number of these appeals, compared with appeals from the English courts, was as five to one. It might form a very proper subject for inquiry in the committee, if the constitution and appointments in the courts which furnished so strange an accumulation of appeals from their jurisdiction, had not some defects which contributed to this result. The fact, that the numbers affirmed to those reversed, or sent back on some ground or other, were as 145 to 144, gave considerable force to that suggestion.—He had said, that he would reserve the department of the vice-chancellor for a separate consideration. The question respecting that jurisdiction had been before the House in 1813; and he believed no gentleman who had the recollection of the debate on his mind, together with the subsequent experience upon it, would now advise waiting for the decision of the other House, or recommend the Commons again to guide their decisions by the wisdom of that body. The bill for the erection of the vice-chancellor's court was introduced into the House by the late marquis of Londonderry. It was opposed by the powerful talents and piercing wit of the right hon. secretary opposite (Mr. Canning), who exerted himself to the utmost to explode it from the table. The right hon. gentleman had very truly prognosticated, that it would turn out to be a bill for causing all causes in Chancery to be heard twice over. The late lamented sir S. Romilly had opposed it, with the force of his profound wisdom. He had said, that the true title of the bill was "a bill to give the lord chancellor leisure, and to give the suitors the right of appeal in his lordship's court." The present vice-chancellor, also, had given his strongest opposition to it. The arguments and too prophetic predictions of these able persons were all in vain. The House legislated on suggestions furnished from the other House. They did indeed legislate; but it was only to legislate again upon the effects of their own error. To that bill there was this distinct and unanswerable objection—that it had failed in the object for which it was proposed, and had produced incalculable mischief. The result which he offered, from all that he had advanced, was this:—If the House could not at the time reach to that prophetic and prescient knowledge which had been displayed by the right hon. gentleman, by his late lamented friend, and by the present vice-chancellor, at least let them claim that every-day sort of wisdom, that homely intelligence, which would prevent them from falling into the unpitied situation of being caught again in the same snare—not to legislate on the knowledge of others, and without taking any light from the experience within their reach. He strongly defended the necessity of investigating the evil, and discovering the remedy in a committee of the house. He had now discharged his duty to the best of his ability, having refrained, as much as the subject would allow, from any statements likely to be injurious to the feelings of any parties, and without disguising those circumstances which it was material for the House to know.—The hon. and learned member then concluded, amidst loud cheers, with moving, "That a Select Committee be appointed to inquire into the Arrear of Business in the Court of Chancery, and the Appellate Jurisdiction of the House of Lords, and the causes thereof."

The *Attorney General* commenced by observing, that however various the topics introduced in support of his motion by his hon and learned friend, he finally rested his case on the personal attack made upon the character of the lord chancellor. Before, however, he met his hon. and learned friend upon that subject, he felt it necessary to allude to something which had been stated respecting a legislative measure which was said to be in contemplation, in reference to the attendance of the noble and learned lord in the court of Chancery. He had not heard of that measure, but he did understand that, in the other House, the accumulation of Scotch appeals was so great as to make it necessary to inquire how the inconvenience could be remedied; and one of the objects of that inquiry was, to allow the lord chancellor more time to attend to the business of the court of Chancery. But, it was not on account of arrears of business in that court that a necessity for greater despatch existed. There were, in fact, no arrears of business in that court: but there was an increase of business, arising out of the increased population and wealth of the country, which produced a proportionate increase of litigation. With respect to the vice-chancellor's court, which his hon. and learned friend denied to give any ease to the suitor in the determination of chancery suits, he would satisfy the House that that was very far from being the case. So far from the prophecies having been fulfilled which were pronounced before the establishment of the court, as to its inefficiency, he was sure he could convince the House, that its utility had been practically proved, and that his hon. and learned friend was quite mistaken in his assertions. It was allowed on all sides, at the time when the court was instituted, that the business of chancery had increased to an extent which rendered it impracticable for any person, however gifted, to keep under the business of the court. It was believed by many, that an effectual remedy would be, the erection of a vice-chancellor's court. There was a difference of opinion on the subject, but the preponderance was in favour of the establishment of that court.

He was aware that the subject he had to enter on was one of dry details; but he was sure that when the House examined them, they would be convinced of the mis-statement of his hon. and learned friend as to the inutility of that court. It was evident that his hon. and learned friend had given his notice of motion first, and procured his information afterwards. His hon. and learned friend had alluded to particular cases in chancery; and he thought that, in fairness to the character of the noble and learned person at the head of that court, he ought to have given him some notice that such charges were to be made against him. He would give the House some information on those cases presently; but he must first observe, that his hon. and learned friend had stated the business of chancery to be as great now as before the establishment of the vice-chancellor's court. But how had he proved that? He said there was a certain number of causes now depending in chancery, and he called them arrears of business; but as to the great majority of those causes, they had not been set down for more than two terms. There was no court to which the hon. and learned mover could refer, in which he would not find a great number of causes depending, without any improper accumulation of business, or without any imputation on the character of the judge who presided. But his hon. and learned friend had gone so far as to allude to the age of a venerable judge of the Exchequer, in a manner which was intended to show him to be incapable of discharging the duties of his office. Now, he was of opinion that such a course of proceeding was objectionable, and that the judges of the land ought not to be dragged unnecessarily before the tribunal of parliament.—With respect to the charge of arrears of business in chancery, his hon. and learned friend had omitted all mention of lunatic petitions and of cause petitions. The House would be surprised when he stated, after what had been said of the dilatoriness of the lord chancellor, that for the last ten years there had been a great number of lunatic petitions, on which the lord chancellor had had to decide, and many of those had been contested. Lord Hardwicke in ten years, had decided on 484 lunatic petitions. The present lord chancellor in ten years, had decided on 2,450 lunatic petitions. Were these to be considered matters of course? [Mr. Williams said, they might become so.] His hon. and learned friend thought that lunatic petitions might become matters of course. If that were really his opinion, he could know little of the subject of lunacy, which involved some of the most intricate considerations of law; and (as he was reminded by his hon. and learned friend near him) were the more scrupulously attended to by the chancellor, because in those cases there was no appeal from his judgment. He was somewhat surprised that his hon. and learned friend had never once adverted to the subject of bankrupt petitions. Some of these were decided by the vice-chancellor, but all those which were of importance were heard and decided by the lord chancellor.

He should now proceed to state the quantity of business which had been done in the courts, and he would then leave the House to say, whether the attack which had been made upon the lord chancellor for his delay in the decision of cases was justifiable or not. In the year 1820, the lord chancellor had heard 136 bankrupt petitions, and the vice-chancellor, 366. In 1821, the lord chancellor had heard 103, and the vice-chancellor 449. Up to Easter-term, 1823, the lord chancellor had heard 164, and the vice-chancellor 465. From the year 1813 up to the present period, 5,820 bankrupt petitions had been disposed of, and of these the greater part had been heard before the lord chancellor. When his hon. and learned friend stated, that these petitions were twice heard, he was mistaken; because, it was only when cases were of high importance, and the parties had reason to be dissatisfied with the decision of the vice-chancellor, that they went before the lord chancellor. The case of Howard and Gibbs, to take a recent example, was one of those to which he alluded. This case alone had occupied many days. When, therefore, the number of cases disposed of by the lord chancellor was spoken of, it should not so much be taken numerically as with a reference to the intricacy and the number of points which the cases involved, and which of course required more discussion and deliberation than cases of an ordinary description.—It had been said, that the introduction of the vice-chancellor's court had only had the effect of making causes to be heard twice, But this objection might be applied also to the Rolls. The law had provided—wisely he thought—that the subject should have this right. The same principle applied to the appeals in the House of Lords; and if it should ever be taken away, the consequence would be, that the table of that House would groan under the weight of petitions. An objection had been made to the practice of appeals to the House of Lords, because they were, in point of fact, only appeals from the lord chancellor in one place to the lord chancellor in another; but this was rather asserted than proved. A case had happened, even during the present session, which would show that this was by no means the fact. Sir William Grant, the late Master of the Rolls, having decided upon a cause in which an appeal had afterwards been lodged in the lord chancellor's court, the chancellor decided in favour of the Master's decree; and yet, upon a further appeal to the House of Lords, their lordships reversed both those decisions. It could not, therefore, be said that the subject had no redress by an appeal to the House of Lords. Since the establishment of the vice-chancellor's court, 2,832 causes had been heard in it. Did his hon. and learned friend mean to say, that all those causes had been heard again by the lord chancellor, and that the vice-chancellor was a mere stepping-stone to the lord chancellor? That the number of appeals had increased was quite true; but the cause was, that the business had increased. Was it no relief to the suitors, that nearly 3,000 causes had been heard by the vice-chancellor since 1813, which could not have been heard by any other means? It was not for him to panegyrize the noble and learned lord who had been spoken of. That would be equally useless and unnecessary on the present occasion; but he would say, that no man could have proceeded with more despatch than the noble and learned lord had done. He had heard, in the course of ten years, 1,350 exceptions and further directions, 475 pleas and demurrers, 2,987 petitions, and 16,000 motions. The House would not say the lord chancellor had been idle when they learnt that, during the ten years, the lord chancellor had, upon an average, disposed of 150 bankrupt petitions, 250 lunatic petitions, 560 motions, 450 cause petitions, and 47 appeals. When he talked of motions, he would not have it supposed that they were motions of course. He spoke in the hearing of many persons who practised in the court; and they would bear him out when he said, that many of these motions went to decide the fate of the cause. In injunctions, for instance, the whole merit of the case was decided upon motion. The same observation, too, would apply to motions to stay proceedings. In petitions, by way of appeal from the Rolls or vice-chancellor's court, the whole merits of the cause were brought into discussion, and a decision often pronounced upon the petition. He trusted this statement would satisfy the House, that the vice-chancellor's court had operated greatly to the relief of the suitor, while the option of appeal was satisfactory and useful, when parties were dissatisfied with the decision of their causes. His hon. and learned friend had said, that the business of the court of Chancery was formerly well conducted by one judge; but he had not stated in what proportion the business of that court had increased since the period to which he referred. If he had said, that the arrears were then as much in amount as was now disposed of by the vice-chancellor, he would not have been far wrong. The increase in the number of bills filed in chancery would best show this. In 1801, there were filed 1,445; in 1805, 1,531; in 1810, 1,793; in 1822, 2,489; and in the present year there had been already 1,058 bills filed.

His hon. and learned friend being, as he trusted he had shown, not borne out in his statement that the vice-chancellor's court was of no use, had next endeavoured, by mentioning certain causes, to make out the charge of delay. Feeling that a graver or more important topic could not be submitted to the consideration of the House, he should proceed to notice some of these. The first was that of Brown and De Tastet, which had been originally determined by the Master of the Rolls. It would be in vain to attempt to detail the particulars of the case; but he would state, that the expenses of a reference to the master, which upon the hearing of the appeal the chancellor had directed, amounted to 500*l*., while the result of that reference fixed Mr. De Tastet with the payment of 63,000*l*. To this report, which had been made with great care and ability by master Stephen, Mr. De Tastet had, in the language of the court of Chancery, excepted; the vice-chancellor's decision upon these exceptions were appealed against; and ultimately the lord chancellor had sent the accounts again to another master, the hon. and learned member for Exeter (Mr. Courtenay). The cause of Fillingham and Bromley, it was said, had been hung up many years, but this was the fault of the suitors, not of the chancellor. Though he (the attorney-general) was not in the cause of Whitechurch and Holunthy, he happened to be acquainted with the particulars of it; and he knew that it involved many conflicting decisions, and was one of great nicety. The question was, whether the lord of a copyhold manor had a right to cut timber on the estates of tenants holding for life. The House would see that this was a question of great importance, Lord Holt had pronounced a decision in the court of King's-bench, the validity of which the lord chancellor doubted. The case of Powell and Sergeant was one of a demurrer; and the House must remember, that a demurrer in Chancery was very different from a demurrer in a court of law; in the former it tried the right of the plaintiff to relief. As to the case of Ware and Horwood, it was a case which had been often heard of before; and if his learned friend wished to amuse himself by diving into equity reports, he could furnish him with two or three hours reading of the reports of this case. His learned friend had objected to the charges of attornies for attending the courts when they were there on other business; but he would ask him, whether this was not the usual practice in the profession, and whether attornies who had more causes than one at the assizes, did not always charge for each of them? His learned friend had stated, that the bill for attendances alone amounted to 1,030*l.* So far from this being the fact, the whole bill was not more than 1,000*l.*, and the charge for attendances allowed by the master amounted to little more than 100*l.* The total sum taxed and allowed was only 561*l.* He had therefore good reason to complain of the statement of his hon. and learned friend.

He now came to the charge which had been made on the noble and learned judge who presided in Chancery, and to whom he conceived that in justice some intimation ought to have been given of the intention to make such a charge. What could possibly be imputed to a judge of a more grave and serious nature, than to say, that he had pronounced a decision, on the suggestion of one of the parties, and behind the back of the other. When there was a case of great importance in Chancery, it was the practice of the chancellor to hand down to the parties the minutes of his decree, with a view to receive information on the subject, if any further information could be forthcoming before the final decision was pronounced. But, whatever might be imputed to the lord chancellor on the score of delay, this was, he believed, the first time that any man had ventured to impeach his integrity and justice. This was the first time that any one had ventured to insinuate, that his decision had been influenced by the application of a party, and that a surreptitious decree had been obtained.—His hon. and learned friend had spoken of the difficulty of adducing other cases, because in those which were pending, solicitors were under an apprehension that their cases would be prejudiced; but why, he would ask, had he not brought forward decided cases, seeing that in those no objection of that kind would have been applicable?—His hon. and learned friend, not content with the attack which he had made upon the court of Chancery, had next proceeded to the court of Exchequer. It was true, that the lord chief baron having been afflicted with a severe illness, at the end of Michaelmas term, had been compelled to absent himself from his court; but he had since resumed his duties, and had discharged those duties during the whole of the last term. Would it be said, then, that the temporary illness of one of the judges had caused any serious delay to the suitors? Some allusion had also been made to the age and infirmities of another learned person, Mr. Baron Graham; but it should be recollected, that neither had prevented him from the faithful and regular discharge of the duties of his office. It had been objected, that barons Garrow and Hullock, not being equity lawyers, were unfit to decide upon causes in the Exchequer; but it must be remembered, that it was a court of law as well as of equity, and that it had always been usual to have two judges versed in each of those points. His hon. and learned friend had also alluded to the ill health of the Master of the Rolls; but, beside that a temporary illness furnished no just ground for the removal of a judge, no delay had taken place in the proceedings of that court, seeing that there was no arrear of business. Besides, as the subject of appeals was now under the consideration of the House of Lords, the place in which it was most capable of being decided, there was no sufficient reason for commencing an inquiry in that House. The accumulation of Scotch appeals was, in fact, the great cause of the delay complained of; and he might state, with confidence, that the manner in which those appeals were decided, had given the greatest satisfaction. Scotland never was in a situation in which its appeals were better or more impartially determined. It was well known, that appeals came from Scotland to the House of Lords upon all occasions. That was an evil which might require a remedy; but what had it to do with the vice-chancellor's court? The increase of business in 1815, had showed that his hon. and learned friend was mistaken in his opinion. It was felt, that no single judge was competent to discharge the duty which devolved on the court of Chancery; and, in consequence, the vice-chancellor's court had been established in 1812.—But his hon. and learned friend had argued, that the business of the suitors was so much delayed, as to render an inquiry necessary. How stood the fact? Why, the causes now set down for hearing were only of the date of the last, or of the preceding term; and those who knew any thing of the profession must be aware that it was impossible every cause could be tried the moment it was ripe for hearing. His hon. and learned friend had wholly failed in showing that there was a culpable arrear of business, and therefore he had failed in establishing a just ground for an inquiry.—In the course of his speech, his hon. and learned friend had argued, that no measure, with respect to Scotch appeals, ought to be received in that House without a previous inquiry. But, would it not be better to wait the result of the inquiry in the other House, before he urged that point? There was an inquiry going on there with respect to Scotch appeals; and it must be allowed, that that was the most proper place for proceeding with such an inquiry. When this was the case—when the other House had determined to examine the subject—surely an inquiry of the nature suggested by his hon. and learned friend would be introduced a little unnecessarily into the House of Commons. If his hon. and learned friend, in bringing forward this motion, merely wished to state his opinion of the noble and learned lord at the head of the court of Chancery, an opportunity for doing so had been afforded to him; and, beyond all question, he had taken ample advantage of it. He, however, viewed the exertions of that noble and learned person in a light very different from that of his hon. and learned friend. He was convinced that the lord chancellor had done as much business as could possibly be expected from any man. Observing no arrear that might not fairly be accounted for—knowing, as he did, that the subject of Scotch appeals, which had been scarcely adverted to by his hon. and learned friend, was a matter of inquiry in the other House—he objected to the present motion as being unnecessary, and would sit down with giving it his decided negative.

Mr. *M. A. Taylor* commenced by observing, that this was a question well worthy the most serious attention of the House; and he would, for the information of those who had not thoroughly considered it, place the facts in the shortest possible compass. There never was a subject brought forward in parliament that stood on stronger grounds than this. He and other individuals had often introduced it; for they felt it to be most necessary, that an inquiry should be instituted into the general practice of the court of Chancery, and into the appellant jurisdiction of the individual at the head of that court. The learned attorney-general had entered into this discussion with some degree of warmth, because he supposed that the hon. and learned gentleman who brought forward the motion had made some invidious observations upon the eminent individual at the head of the court of Chancery, as well as upon several of the judges in Westminster-hall. Now, for his part, he did not think that his hon. and learned friend, the originator of the present motion, had stated any one point that could be construed as invidious towards any individual in the court of Chancery, or any other court. He admitted, that the lord chancellor filled a very high and a very important situation: but if it were to be said, when a motion of immense importance was brought forward, "Oh, this nearly relates to a person of great rank and consideration, you cannot touch upon his conduct, without betraying an invidious feeling, and therefore you must forbear from introducing the subject," there would be an end at once of all inquiry into abuses. He, however, would not be deterred by such considerations, but would speak his opinions fearlessly. In the year 1811, he had moved for a committee on this subject, and a committee was appointed to inquire into the causes of the delay in the exercise of the appellant jurisdiction, and the general delay of business in the high court of Chancery. That committee sat early in 1811, under the auspices of the late Mr. Perceval, the then leading minister of the House of Commons. But, of the 21 individuals who were nominated upon it, a considerable majority were hostile to the inquiry: and amongst them, were three masters in Chancery, who were themselves implicated in the matters to be inquired into by that committee. He (Mr. Taylor) was allowed to state the arrear of business before the committee; but when he wished to expound the causes of that arrear, the three masters in Chancery, who had never attended before, came down and said—"You must proceed no farther; you must not accuse the lord chancellor." His lamented friend, sir Samuel Romilly requested them to look at the resolution under which the committee was appointed, but all their reply was, "What of that? You must not proceed in the course you have proposed." And, out of 21 members of the committee, no less than 13 coincided in this opinion. He had then moved the House, that there should be an instruction to the committee, directing them to inquire into the cause which retarded suits in Chancery, and delayed decisions in cases which came under the appellant jurisdiction; but that motion was lost by a majority of 90 votes. The House of Commons was lauded as being very pure indeed: but he knew not what would be said of them when they thus conducted themselves, when they allowed a statement of the arrears of business to be made, but refused to hear any exposition as to the cause of those arrears. What was the reason of this refusal? Why, he heard at the time, and he heard it from good authority, that the lord chancellor declared, "if an [inquiry into the cause of the delay were conceded by the house, he would give up the seals." It thus appeared, that no motion relative to the court of Chancery was to be supported, for fear it should hurt the feelings of the lord chancellor. But he could assure the gentlemen who now heard him, that they might vote for the proposition before the House, without in the slightest degree reflecting on, or injuring, the lord chancellor's character. At a subsequent period, when he had brought forward this subject, he was left, it was true, in a minority. The majority was, however, but four; and the number was so small, that the late much lamented lord Londonderry had observed, that the question was very nearly carried. He (Mr. Taylor) was surprised at the result of his motion, and had expressed that surprise to a friend; who immediately said, "Why should you be surprised? You know the lord chancellor is the individual who keeps the whole government together. If he is molested, he will give up the seals; and there is an end to the government." His hon. and learned friend had been arraigned by the attorney-general, for taking his information from bad sources. He denied that his hon. and learned friend had done so; and he would contend, that the grievances pointed out by his hon. and learned friend did really exist. Suitors had waited on him (Mr. Taylor), and stated the deplorable situation in which they and their families were placed, in consequence of the delays in Chancery. He wished to see their solicitors, in order to ascertain from them the facts which their clients stated, and which he was desirous of investigating; but they implored him, from prudential motives, not to do so. The expence incurred in the court of Chancery, in consequence of this delay, was enormous. The case of Brown and De Tastet, which was an appeal from the Master of the Rolls, had stood on the paper ever since the year 1812, and was not decided until last year. In 1812, a case of charity was entered, which was to be heard by the Chancellor himself, but it was not heard last year. Let the House consider what the expence to that charity really was. Doubtless they would be surprised when he told them that the term fees alone were 130*l*. a year, for every case on the paper. Was any person relieved in this court? If he entered it, was it not at the expense of one-third of the property for which he contended? And yet this was described as a most delightful court! Was it not necessary, he would ask, to inquire into the cause of that delay—of that tedious procrastination—by which a grievous expense was entailed on suitors in Chancery? It was a proverbial saying, it was not his report, but the universal report, and a subject of deep execration, that he who ventured into this court was ruined by its proceedings. Was not that, he demanded, matter for consideration and inquiry? The masters in Chancery were complained of by the suitors, and the former complained of the solicitors. Was not this a subject that deserved inquiry? Ought they not to see where the fault really was? For that purpose a committee ought to be appointed, free from the presence of masters in Chancery. Had such a committee been formerly granted him, he would have shown, that cases had remained undecided for 30 years, which with a little attention might have been settled in ten days. Thirty-four years had elapsed since he practised in the court of Chancery, and gentlemen whom he then knew to be entangled in its proceedings had not yet escaped from it. In short, there was no getting out of it. And yet the attorney-general had described it to be the most excellent court in the world! He admitted that some business was done in the vice-chancellor's court. It would be most strange if that were not the case. But that court was not likely to expedite business; for individuals would always be anxious for the lord high Chancellor's opinion. Where there were two contending courts, litigating parties would never be contented till they obtained the opinion of the higher jurisdiction. He had given his opinion most distinctly to the lord chancellor on this subject. He had told that noble and learned lord, that the business was too extensive for any one individual; and he had expressed a wish, that a portion of it should be allotted, not to a deputy, for that created too much delay, but to a regular court. He had also urged the separation of the bankrupt cases from the ordinary business of the court of Chancery; but this could not be done. What was the consequence? Why, the consequence was, that every day the bankrupt petitions stood first on the paper. What was the reason? Simply because the profits attending those petitions were too great to be parted with. As for the proceeding of the House of Lords on the subject, their Report was one of the most flimsy compositions he had ever read. The vice-chancellor's court was to have done every thing; but had it cured the evil? On the contrary, the evil still continued in greater force than ever. Was not the failure of that experiment a ground for inquiry? It never was his intention to cast any blame on the lord chancellor, of whose zeal and industry he was well aware, except so far as he was chargeable with having kept that whole court and its patronage in his own hands, instead of dividing them for the public good. The attorney-general had talked of the increase of business in the court of Chancery; but the fact was, that there were as many bills filed annually, within 200, in lord Hardwicke's time as at present. He came into office in 1737; in 1745 there were 1863 filed, in 1746, 2032. There were now 33 millions sterling in the hands of the accountant-general; whereas, in lord Hardwicke's time, the amount was only three millions. The hon. member then proceeded to enumerate several cases in which the expense of legal proceedings greatly deteriorated the property of the suitor. In one instance, an unfortunate man stated to him that he had a sum of 90*l.* contested in Chancery, but that it would cost 110*l.* to get it out. Another person, who sued for a sum of 2,000*l.*, which was disputed, had netted but 700*l.* Were not grievances such as these fit subjects for rigorous inquiry? The aggregate mass of misery which was thus inflicted demanded the interference of parliament. When the suitor was robbed, whether by the slowness of the Chancellor, or by any thing else connected with the system, he had a right to demand redress from parliament. The House was the guardian of the public purse and of the public liberty, and it ought to be the strenuous protector of the property of the subject. He was convinced that if a list of persons confined for debt during the last fourteen years were made out, it would be found that the misfortunes of one-fourth of them arose from difficulties occasioned by their being plunged into Chancery. What was the reason that people complained of that court universally? Would such be the case if business were properly conducted? He knew an instance where an individual, who had a claim for 4,000*l.* had asked his advice as to the best means of procuring it. He told him that the most eligible mode would be, to submit his claim, as it was disputed, to a reference. The person to whom he alluded made the proposal, but it was refused; and he was peremptorily told, "If you don't agree to my terms, I will hang you up for twenty years in the court of Chancery!" And in truth it was in his power to do so. But this was a state of things which should not be suffered to exist. This, however, was the court in which, as the attorney-general stated, there was no delay, where no injustice was inflicted—which was, in fact, a complete legal elysium. He entreated the House to agree to the motion, seeing that a most complete ground had been laid for a full investigation of the subject.

Mr. *Denman* said, that as this was a most important question, and as he observed that some hon. gentlemen on the other side had been busily engaged in taking notes, he wished the House to have the benefit of them, and would therefore move, that the debate be adjourned till to-morrow.

The House divided: For the adjournment, 59; against it, 120. After this motion had been disposed of, Mr. Grey Bennet moved, "That this debate be adjourned till Friday." Upon this the House divided: Ayes, 49; Noes, 133. Mr. Ross next moved, "That the debate be adjourned till this day six months."

Mr. *M. A. Taylor* warmly opposed the motion. Was this, he asked, to be the answer to the suitors who were suffering martyrdom by the delays of the court of Chancery? Were they to be told that their complaints should be investigated six months hence? Such a motion was no friendly act to the noble and learned lord at the head of that court. It was to be represented that he, pure and unsullied as he was, trusted his defence to a six months' adjournment. He (Mr. T.) had personally no other feelings but those of regard and respect towards that noble and learned lord; but, if he were his bitterest enemy—if he wished to destroy his well-earned fame—if he wished to see him go down the page of history tainted and dishonoured—what course better adapted to attain that result could he pursue, than the motion brought forward by the noble lord's professed friends on the other side? He believed the noble and learned lord was essential to the existence of the motley administration of which he was the chief member. It was he who cemented the tinsel patchwork of the orange-liberal-protestant-catholic administration of the day; and his coadjutors were now going to declare, that they dared not defend the noble and learned lord's conduct on just grounds! The noble and learned lord would treat his friends as they deserved. He would reject their support with disdain. He would tell them, "Without me you are a rope of sand, and you shall defend me, or cease to be a ministry."

Mr. *W. Courtenay* said, that no desire existed on his side of the House to avoid discussion; but it did not follow that hon. gentlemen might choose to be pointed at, and called on to speak at the convenience of their opponents. He therefore begged his hon. friend to withdraw his motion, and consent to an adjournment till to-morrow.

The motion was then withdrawn, and the debate was adjourned till to-morrow.

HOUSE OF COMMONS.

Thursday, June 5.

BARILLA DUTIES.] Mr. *Denison* presented a petition from several merchants and importers of Barilla. The hon. member stated, that previously the duty on the importation of barilla had been 11*l.* per ton, but last session an act was passed which reduced the duty to 5*l.* 5*s.* The kelp manufacturers of Scotland had sent a memorial to the Treasury, praying that the duty might be raised again, and he was sorry to understand that the Treasury was inclined to lend a favourable ear to the request. The petitioners prayed that the question might be referred to a committee, to inquire whether it was expedient to raise the present duties on barilla. It was but fair that those traders who had sent out orders for barilla, on the supposition that the duty would continue at five guineas, should be allowed time to revoke their orders. He could not help observing, that nothing tended more to distract the principles of commerce, than the frequent changes which occurred in the policy of ministers on subjects relating to trade.

Lord *G. Somerset* vindicated the conduct of government, and said that the distresses of the petitioners had been much exaggerated.

Mr. *Bernal* complained of the vacillating policy of ministers, on matters relating to trade.

Mr. *Campbell* said, that the distresses of the petitioners were greatly exaggerated.

Mr. *Ricardo* said, that whatever the distresses of the kelp manufacturers might be, ministers were bound to have taken that circumstance into consideration before they lowered the duties on barilla. He believed that those distresses were caused rather by the reduction of the salt tax, than by the competition of the barilla merchants.

Mr. *C. Grant* said, that if the intended increase of the barilla duties was unjust, the lowering of those duties last year was a gross act of injustice to the kelp manufacturers; because it was provided in the salt tax repeal bill, that no alteration should take place in the barilla duties; and yet, in a month afterwards, a bill was introduced which had the effect of reducing them one half.

Mr. *Hudson Gurney* said, that this did seem a measure of most crying injustice, as well as of impolicy. The kelp manufacturers, on their own shewing, would reap little benefit from it, and all the advantage they appeared to hope to reap from it, was the compelling the purchase of their bad articles, which they found unsaleable when better was to be had. He was informed that good kelp still sold readily, and with no greater reduction in price than had taken place in barilla. But, in fact, the barilla was chiefly necessary to the soap manufacture in London, where kelp never had been used; and it was most monstrous to tax the soap of the people of England—an article of the first importance to the health, the cleanliness, and the comfort of the community, because bad kelp, from certain parts of the coasts of Scotland and Ireland, would not sell.

Mr. *E. Ellice* said, it was matter of regret to see regulations affecting trade brought in one day and repealed the next—a policy which embarrassed commercial transactions. It had been admitted, that the advantage of the measure to the kelp manufacturers was doubtful: but the injury to merchants and importers of barilla was positive. It had latterly been the policy of ministers to place restrictions on importation—a policy which was most injurious. The measure, if carried, would be fraught with injustice.

Ordered to lie on the table.

Court of Chancery.] On the order of the day for resuming the adjourned debate upon Mr. J. Williams's motion, "That a Select Committee be appointed to inquire into the Arrear of Business in the Court of Chancery, and the Appellate Jurisdiction of the House of Lords, and the causes thereof,"

Mr. *Denman* rose. He could not, he said, in any degree regret the course which he had adopted last night, in supporting the adjournment of the question till this day, in order that the subject might be fully gone into before the House came to a decision upon it. He was satisfied that if they decided before further and better information was given, than had been afforded last night by the speech of the hon. and learned gentleman opposite, it would afford a just cause of general discontent in the country. To him it appeared, that the perspicuous statements of his hon. and learned friend who made the motion, were by no means satisfactorily answered by the speech of the attorney-general; but even assuming that that hon. and learned gentleman had given a satisfactory explanation of the case, there were still unanswered the additional and important facts contained in the speech of the hon. member for Durham (Mr. M. A. Taylor), who had given so much of his attention to this important subject—who had so often moved for committees of inquiry into it—and who had detailed to the House the tricks and stratagems by which his object had been defeated. The additional facts stated by his hon. friend, he repeated, called for an answer from hon. gentlemen opposite, and particularly as they erroneously seemed to think that the statements made on his (Mr. Denman's) side of the House, implicated the personal as well as judicial character of the lord chancellor. In either sense in which they took those statements, though only meant in one, it was incumbent on them that that noble and learned lord's character should be fully vindicated. He could not well account for the wish of hon. gentlemen opposite to put an end to further discussion upon this subject. If they intended to consent to the committee of inquiry, where all the matters alleged could be fairly gone into, then, indeed, their conduct in wishing not to protract the discussion would be consistent and proper. But, if they wished to stop all inquiry, to refuse any means by which the evils complained of might be ascertained to exist or not, could any thing, he would ask, be more strange, than their suffering such statements as had been made to go forth to the country without one word of contradiction or comment? When he stated, that the speech of his hon. and learned friend had received no sufficient answer in that of the attorney-general, he did not mean to deny the great acutenesss and subtilty of that answer; but it was acute and subtle only in being an answer to a charge which was never made—in being a defence of a character which had not been attacked. The hon. and learned gentleman went upon the assumption, that a personal attack had been made upon the first law-officer of the country—the most powerful subject in the state. In that view the hon. and learned gentleman's speech was ingenious and correct; but it seemed strange that he should make such an assumption. In the speech of his hon. and learned friend, the mover, there was not a word said, or an imputation made, of personal corruption in the high officer alluded to. No such idea, he was satisfied, had entered his hon. and learned friend's mind. No such conduct had been even remotely imputed to the noble and learned lord; and, if there was any one thing which more particularly than another characterised his hon. and learned friend's speech, it was the temper and moderation with which it was urged to the House; for on no occasion, he believed, was such a detail of grievances laid before them with less implication of personal character than on the present.

His hon. and learned friend's statements were powerful and affecting, and calculated to impress every man in the country to whom they might have been correctly reported, with the existence of crying evils and the necessity of their immediate remedy. The House of Commons was, in his opinion, in some degree pledged to institute an inquiry, by the steps which they took upon a former occasion. On that occasion, a new officer had been created in consequence of the great mass of business to be done, and the arrears which had accumulated. If it was now notorious that those arrears had increased, notwithstanding the former attempt to remedy, then was the House bound to inquire into the cause of this unfortunate state of things, which had existed for many years. It was of the utmost importance to know whether the fault of the delays complained of rested in the conduct of the individuals acting in the court, or arose out of the system adopted by the court itself. If the former, then it might be necessary to bring some other measure before the House; but if the latter was the cause of the evil, then it would be necessary to probe the system to the bottom, with the view to its remedy. Let honourable members recollect the immense mass of property which now stood in the name of the Accountant-General of the court of Chancery—a sum not less than thirty-three millions! Perhaps there was not one man who then heard him, who was not, in some one way or another, connected with proceedings in that court, as guardians, or trustees, or otherways, in which they might represent the interest of others, and possibly many more directly connected with it, as parties to some suit which hung up in the Court some nine or ten years after the right of a party was admitted, but of which the final judgment might be delayed, and the individual prevented, by the system of the court, from possessing his right, until he was not in a condition to enjoy it. Let honourable members recollect what was the situation of a great part of the country with respect to that court. Scarcely a family of property was there, of which some member was not interested in proceedings in that court, and in habits of daily intercourse with it; and who, when taking leave of this world for ever, had not to bequeath to that family his Chancery suit, with all its doubts and uncertainties. Let the House recollect, that it was the cases of this numerous class, the welfare of them and their descendants, which were now brought before them for full and complete consideration.—His hon. and learned friend was last night taunted with having brought all his cases from the office of one solicitor. He could not understand the cheers of hon. gentlemen opposite when that fact was stated. Surely it was not meant to be insinuated, that one office was worse off than another with respect to its Chancery proceedings, or that any distinction was made in the distribution of justice in that court, between the clients of one solicitor and another! That would be a reflection upon the court which he supposed no person would make. If, then, six or seven cases were cited, of delays almost miraculous in the administration of justice—if instances of the putting off the adjudication of the rights of the individuals, till they were no longer in a condition to enjoy them—if, he repeated, these were found to have occurred in the office of one solicitor, he saw no reason why they should not be admitted as specimens of the natur of the proceedings in the court of Chancery, or why it should be inferred, that there were none such in other offices. One thing was certain—it would be impossible in that House to go through all the cases which had occurred, and which might be cited; and if they were cited, many of them (he spoke it with all respect) could not be understood by hon. gentlemen, who could not be supposed to have given much attention to such subjects. In what had been cited, however, he thought there was quite enough to astonish any man, with the fact that such proceedings could take place in a country like England—that such evils should be suffered to exist, without an effort to ascertain their cause, and to provide a remedy. It had, amongst other things, been objected to his hon. and learned friend, that he had given no previous notice of the particular cases he intended to cite. Who ever heard of such an objection before? Surely, when his hon. and learned friend gave notice of a motion on the subject of the practice of the court of Chancery, it must be presumed that he would cite some cases. But, suppose he had given notice of the particular cases he intended to mention, in common courtesy he ought to expect some notice in return of the kind of answer which was intended to be made to them. There would then be a reply: next a rejoinder; and thus so much time would be taken up in previous pleading on both sides, that no time would be left to bring the question before the House. The hon. and learned attorney-general had mentioned the case of Ware and Horwood, as one of which some notice ought to have been given. But surely if it was in the court so late as 1821, an allusion to it now could not be said to have taken any one by surprise. As he had mentioned this case, and as perhaps there were some hon. members who were not in the House when it was first stated, he would, for their information, repeat it. It appeared, from the affidavit of one of the parties, that it had been in the court nine years—that it had stood at the head of his lordship's paper two years and a half ago, but that it had so often been postponed for other causes which had no right to be there, and judgment so long delayed, as to have produced fatal consequences on one party immediately concerned, which he would notice hereafter. In consequence of these freqnent puttings off, the attorney or solicitor, of one of the parties, that inferior officer of that high court, ventured to write a private letter on the subject to the lord chancellor, the highest judge, the most powerful subject in the land. There was certainly a great impropriety in this act. There was a great impropriety in answering it privately—an impropriety only short of the meanness, which no judge should ever descend to, of alluding on the bench to an anonymous letter. A private answer was open to the suspicion of corruption; not that there could be corruption in this case; not that the slightest idea of that kind entered his mind. But the only answer should be, to call the party into open court to be heard. But this was not an anonymous letter. It was signed by the party writing it, and was to this effect: "My lord; my clients have great reason to complain of the great injury suffered by them in consequence of these causes not keeping their station at the head of your lordship's paper."—And why had they not kept their places? They had a right to be at the head of the paper, and no person should have removed them. And when the House heard of such a case, it would of itself be a sufficient ground of inquiry, as to how far the conduct of the officers of the court should be allowed to interfere with, and retard the business of suitors. The writer of the letter went on to say—"It is now nearly seven years since they have been waiting for your lordship's judgment; and upwards of two years and a half ago, they had arrived at the top of the paper; at which place I heartily entreat they may, until you can decide upon them, remain. There is a fund in court of 10,000*l.* and upwards, locked up until your lordship decides in these causes. It is painful to me to state to your lordship, that I have learnt from authority which I have no reason to doubt, that the infant, for whose benefit these suits were instituted twenty years ago, died of a broken heart, on account of being kept out of his property"—yes, this unfortunate infant, like the infant in the play, who, in violation of the unities, was an infant in the first act, and a greybeard before the fifth—this unfortunate person, who was an infant at the commencement of the suit, grew up to maturity, and perished before its close—"and I have to contend against the bitter feelings of his relations."

In consequence of this letter, the lord chancellor sent for the writer to his private apartments, and there without consulting the solicitor on the other side, took minutes of his decree. This most certainly was wrong as a precedent; though he by no means imputed any corrupt motive, the thought did not enter his mind. The decision in the case might have been most just and equitable; but it should have been given two years and a half before—before the individual for whose benefit it was intended had perished in despair of obtaining it. Really, after so frightful a history of the consequences of delay as this—and after seeing the ghostlike forms of the suitors that were daily moving about the court of Chancery, miserable, heart-wearied, heart-broken, their hopes blasted and their fortunes squandered—the admirable description of the poet Spencer, would not appear an exaggeration:—

"Full little knowest thou that hast not tried,
What hell it is in suing long to bide;
To lose good days that might be better spent,
To waste long nights in pensive discontent;
To speed to-day, to be put back to-morrow;
To feed on hope, to pine with fear and sorrow;
To have thy prince's grace, yet want her peers;
To have thy asking, yet wait many years;
To fret thy soul with crosses and with cares;
To eat thy heart through comfortless despairs;
To fawn, to crouch, to wait, to ride, to ronne,
To spend, to give, to want, to be undonne."

To relieve, however, his hon. and learned friends opposite, from the pain they seemed to feel at the supposed monopoly of delay in a single office, he should state a case from another office, which had been that day put into his hand by accident, as it was not known that he should take part in a debate in which he was indeed little qualified professionally to speak; though it was one in which any man, in which every man was interested, and able to give an opinion. The case was that of Collis and Nott. This was a question whether a surety paying off a bond, and not taking an assignment, could claim as a specialty or a simple contract creditor. The master decided for the specialty, and in 1817, the case was argued by the late sir Samuel Romilly; and in last Hilary term, when the chancellor was pressed for a decision, he had entirely forgotten it [hear!]. The case was then re-argued again, at considerable expense to the parties, and it was still undecided. The original bill in the case was filed in 1792 [Hear, hear!]. Was this, he would ask, a state of things which ought to be allowed to continue? The House, by what it had done in 1813, admitted the principle of interference, where it was found that the public business was in arrear. Here was the case now before them. Here were cases accumulating from year to year, and those of many many years' standing still undecided. He did not understand what was meant by the quibbling (for he liked to call things by their right names) kind of argument, that there was now no arrear of business in the court of Chancery—that the suits pending were many of them revisions of old cases. "Why, surely, it was immaterial to the suitors whether the business there was new or old, if their particular cases were delayed by them [Hear!]. It was idle, then, to talk of no arrears, while the contrary fact stared them in the face in so many instances. It was said that there was a great increase of business of late years, in consequence of the increase of population and wealth. If this were so, it would be an argument for going into a committee, to inquire how that increased business might be best despatched, without unnecessary delay to the suitors. But he did not believe there was that increase of business beyond former years. There was found no such arrears of business in the other courts. In the court in which he practised, it was found that the distresses of the times were not very favourable to an increase of business. There were, it was true some old papers hung up, and some old cases still pending; but, in the court of Chancery, there were some so old and musty, as to resemble the Rowleian manuscripts, or any other papers studiously coloured to imitate age, with twenty, thirty, or forty refreshers from time to time, while the counsel never thought of looking at their briefs, as they were quite sure they would not come on to be heard.

There was one other case which he had heard of in the course of the day, which he would state to the house, which pointed out some of the effects of this system of delay. It was that of an application of certain parties to be admitted as creditors to a bankrupt's estate. The lord chancellor, as he was often in the habit of doing, took the opinions of two of the learned judges on the point of law. In the interim, the money was paid into the hands of a banker. The learned judges gave their opinion promptly, that in law the parties were entitled to be admitted as creditors. No judgment was, however, given by the lord chancellor, and the matter remained over until the banker who held the dividends failed. His lordship then allowed the parties to become creditors to the effects of the second bankruptcy; but, still doubting upon the point of law raised in the first instance, he consulted two other learned judges, and they also gave it as their opinion that the parties had the right. In the mean time the dividend in the second bankruptcy was paid into the hands of another banker, to await the decision in Chancery. That decision was delayed, notwithstanding the opinions of four of the judges which had been taken on the law of the case. At length, the second banker and holder of the dividend became himself a bankrupt, and thus were the original parties to the suit deprived of this shadow of a shade, and cut off from all reasonable chance of ever recovering any portion of their money! [Hear, hear]. Was not this an injury to those parties, which an early decision might have prevented?

It had been last night objected to his hon. and learned friend, that he had made an attack, not only on the lord chancellor, but also on other judges in Westminster hall. His hon. and learned friend had never made or contemplated such an attack. He had talked of inconveniencies arising from delays in other courts, which could be clearly established, but for the unwillingness of individuals connected with those courts to interfere in pointing out the evils which they felt to press there. This was a very natural feeling with many. He did not say that they ought to dread any thing from the judges; but it was impossible entirely to divest themselves of an unwillingness to be known as interfering. He, however, in the absence of that particular information which would be so desirable in some cases, was not sure that the best ground for the committee would not be the notoriety of the case. This was the opinion of every gentleman connected with the Chancery bar with whom he had communicated on the subject. He did not know what others would say from their own knowledge; but this he would say, from the information of many gentlemen of the Chancery court, that the evil was admitted by them in its full extent. They said, "We are aware of the evil, but you gentlemen of the House of Commons do not know how to go about getting the proper information on it. You will be foiled here and foiled there. You will be told of the great quantity of business done—the immense number of petitions heard—but most of these are done with the dash of the pen." Certain it was, that the weight of business despatched in that court could not be decided by the number of petitions heard. Many of them were matters of course. Of this description, he understood, were most of the lunatic petitions. That all such petitions were not made matters of course, the parties concerned in the Portsmouth case had found to their cost. And here he could not avoid saying a few words on this case, as applying to the question before the House. In that case he would assert, that eight years might have been saved—eight years of painful litigation to all the parties, and of great suffering to lord Portsmouth himself. There were facts stated, when the case first came before the court in 1814, upon which, in his belief, any other judge in the land would have given a decision leading immediately to the issue of the writ de lunatico inquirendo. True, some of those facts came rather awkwardly before the court, and there was some contradiction in the testimony; but still he would contend there was sufficient to have warranted such a decision as had since been come to. The very marriage itself, under the circumstances, would have justified such a decision, which would have prevented the infamous treatment to which the noble lord had been subjected by those who had wickedly entrapped him on that occasion, would have guarded against the risk of leaving, had the unfortunate nobleman died in the interim, a little lord Portsmouth behind, as little connected with his blood, as with that of any member then in the House. Was it not most grating to one's feelings that, in a country like this, such wickedness should have been allowed to be perpetrated, when all might have been prevented by sending the case, as it ought to have been, to a jury in the year 1814? He looked upon this as unfortunate, not only as it might have affected the continuance of the marriage, but as it might have prevented the crimes which followed it, and the recent disclosures, so much calculated to pollute the morals of the country. When the unfortunate nobleman was brought from Edinburgh last summer, did not the lamentable tale he then told fully justify the sending his case to a jury? And yet he was left till the May following without that protection which the law ought to have thrown around him. When, in the month of November last, the case was brought before the Chancellor, there were six and twenty hours consumed in speaking on it; but he would venture to assert, that his learned friend (Mr. Wetherell) had not been addressing the court more than twenty minutes before he had made out a case fully sufficient to warrant the issuing a writ de lunatico inquirendo. The case of the adultery was not necessary to have been gone into; but even if that were material to the case, still he would repeat, that in 1814 there was evidence sufficient to warrant a decision, which would have spared the unfortunate nobleman eight years of grievous suffering [Hear, hear].

He would now return to the charge which had been made against his hon. and learned friend, of having attacked the character of the other courts of equity. How was it possible to look at the delays which occurred, without alluding to those courts? His hon. and learned friend had alluded to the delay of business in the court of Exchequer; but he had not done so with a view of throwing blame upon any particular quarter. He had stated the fact with the view of having some remedy provided. He had stated, that the chief baron of the Exchequer having been prevented by illness from attending, for a time, to the business of the court, that duty had devolved upon the judge next in seniority, Mr. Baron Graham—who, his learned friend said, from his great age, was not qualified to undertake such heavy and such constant labour. His hon. and learned friend had not said one word against the character, the goodness, or the great merits of the venerable judge; he had, as all who knew that amiable individual must, fully admitted his many excellent qualities. For his own part, he would be the last to brook any attack upon one whom he so much revered. Independently of the marks of personal kindness he had received at the hands of that learned judge, he respected and admired him for his talents and his virtues. He was now at an advanced age of a life, a great part of which had been spent in the strict, diligent, and conscientious discharge of the important duties of his high station. His was now an age, of which he might say in the words of the poet—

> "An age that melts with unperceived decay,
> And glides in modest innocence away;
> Whose peaceful day benevolence endears,
> Whose night congratulating conscience cheers;
> The gen'ral fav'rite as the gen'ral friend;
> Such age there is, and who shall wish its end?"

No attack had been made upon the learned judge. His learned friend had merely stated the facts—that from his advanced age he was not qualified to endure the heavy labour of a constant application to the additional duties which had been imposed on him; and though suitors might have reason to complain that additional means were not provided for the despatch of their cases, there was no person, he believed, who had more reason to complain than Judge Graham himself.

In regretting the great delays which had taken place in the business of Chancery, he would not dwell upon the vulgar topic of the doubting mind of the noble and learned lord at the head of that court. He would maintain—and he thought it was an aggravation of the system—that the noble and learned lord had no such doubting mind. He had had some opportunities of observing the noble and learned lord; and, as far as he could judge, he had found the noble and learned lord acting from first impressions, giving his opinions prompt and decisively. In another court, he had heard him pronounce, without any hesitation or apparent doubt, upon the most grave and important points, upon points of which it might well be said—"Nunc dubitet qui nunquam dubitavit, et qui semper dubitavit iterum dubitet." The house might remember, that they had, on more than one occasion, been occupied for several hours in anxious discussion as to the right of his Majesty to expunge the late Queen's name from the liturgy. There were very many, and amongst others the learned member for Oxford, who thought that such a power was not vested in the Crown, and the House did not give an opinion upon it until after long and serious consideration. Not so the lord chancellor. He decided at once, and without hesitation, that his Majesty had the right; and so convinced did the noble and learned lord seem to be of the justice of that decision, that he did not even condescend to state the reasons by which he arrived at it. During the proceedings before the House of Lords in the case of the late Queen, he had witnessed several other instances of the noble and learned lord's promptitude of decision. On the arguments which had been urged to show that her Majesty was entitled to all the privileges of a queen Consort, even in a trial for high treason—the noble and learned lord had no manner of doubt—he decided without hesitation. Even when it was asked to grant to her Majesty a specification of the particular times and places of the several charges against her, the noble and learned lord had no doubt whatsoever that they ought not to be granted—that her Majesty ought not to have that notice of the particular charges—ought not to be put into that situation, with respect to the means of meeting them, which the learned attorney-general had last night contended, ought to have been given to the noble and learned lord himself, with respect to the cases cited by his hon. and learned friend in the course of the present debate. No. All those privileges were refused by the noble and learned lord without doubt or hesitation, and the noble and learned lord left the illustrious lady to whom he had once stood differently affected, to be thrown upon the wide sea of accusation, and tossed about in every way in that storm of calumny, with no means of rebutting the atrocious charges with which it was attempted to run her down before trial. He would give one or two other instances of the noble and learned lord's promptitude and want of hesitation in his decisions. It was now acknowledged, that there was no other protection afforded to literary works, but the injunction of the lord chancellor to restrain others than the author from publishing them without authority. Actions were too tardy. It was by prevention alone that this species of property could be guarded. Mr Lawrence, a gentleman of science, skill, and of a most enlightened and philosophical mind, had delivered lectures on the physiology of man, at some institution, which were pirated by some bookseller. Mr. Lawrence applied for protection. The chancellor immediately said, "I doubt—I am by no means sure that if you go before a jury they may not find, in some corner of this book, something they may call a libel;" and he therefore refused his protection to this interesting species of property. Again, in the case of lord Byron's "Cain," a similar application was made to restrain a person alleged to have piratically published the work. Here another doubt was promptly expressed, not whether the work was as pious as "Paradise Lost," but whether a jury would not find objectionable matter in it—matter having a dangerous tendency, and on that ground the injunction was refused. Here, then, were cases of two works, important to the parties, lost to a doubt of the lord chancellor's; and here were the individuals who pirated them allowed to pocket the profits of their admitted offence, instead of the cases being sent to a jury, who could have decided at once upon the character of the works and the right of the parties. As far as he knew, no lord chancellor had ever before refused an injunction under similar circumstances. There was one case of a contrary character, which he would mention. Soon after the "Beggar's Opera" first made its appearance, another opera was brought out by the same author, under the title of "Polly." An application was made to the then lord chancellor for an injunction to restrain a piracy of this opera. It was resisted, on the ground that the first work was libellous and improper, and ought not to be protected; but the learned lord who then presided in the court, held that the party pirating the work ought not to be protected in such a case, and he granted the injunction.—He would contend, that when the public saw these facts—when they saw such doubts and hesitation in some instances, such promptness and want of hesitation in others—he said that when these things were seen, doubts and suspicions would arise in people's minds—he would not say justly—but doubts and suspicions would arise as to the causes. These phenomena certainly did drive a man to look about for motives, and people were naturally led to suspect that, in the Portsmouth cause for instance, the fact of the petitioner having, as a member of that House, commonly voted against the ministers, and of the unfortunate nobleman, who was the object of the petition, having constantly lent his proxy in the House of Lords to the friends of the ministry, might have unconsciously exercised an influence on his mind. And in the case of literary property, when the productions of a certain noble author came to be discussed, it would not be considered unnatural that the lord chancellor should have been somewhat influenced, whose whole life had certainly not been devoted to discovering modes of preserving the liberty of the press.—It appeared to him that the prima facie case made out by his hon. and learned friend could not be got over. He could not help observing, that it was a strange argument from the other side, that the House should take its suggestions from the House of Lords, and not decide for itself. It was true it had done so in 1813; and what had been the result?—that a measure was acceded to which experience had proved not to answer the purpose for which it was intended. He did not deny that the chancellor had been in some degree relieved by it; but this was chiefly owing to the extraordinary diligence and despatch of the present vice-chancellor, to whom the public were much indebted, but whose court, if he too had been gifted with the extraordinary quality of doubting, would have been a nuisance, and have brought down ruin upon the unfortunate suitors. Most of the hon. members who heard him were, in one way or another, connected with some proceedings in the court of Chancery. But, if they were not, their constituents were; and he hoped that they would think with him, that a case for inquiry had been made out, which it was impossible to resist. For himself, if on no other ground, he should vote for the motion, because it was absolutely necessary that the subject should be investigated, for the sake of the character and reputation of the lord chancellor.

Mr. *W. Courtenay* said, he felt additional difficulty in addressing the House upon this question, because he, in fact, had been included as a party in the charge. The office he had the honour to fill brought him within the sweeping accusation at least of the hon. member for Durham, who had objected to the whole system, and to every branch of the court of Chancery. It had been said by his hon. and learned friend who last spoke, that the present motion by no means implied a personal attack on the lord chancellor. But, whatever might have been thought of it before, certainly the speech which the House had just heard had converted it into a direct and personal accusation. It was worthy of notice, that the complaint was not confined to excessive dilatoriness; but the lord chancellor was charged both with a want of judgment and a want of knowledge. His hon. and learned friend seemed to dissent from this statement. But if it was not with this view, for what purpose had he alluded to the case of lord Portsmouth, and to the decision regarding literary property? It had been also asserted, that nothing like a personal imputation was intended. If so, why was the instance adduced of what was called a surreptitious decree? If that were true, it was more fit to be the subject of an impeachment than of inquiry before a committee. It was plain that the object of the committee would not be, to investigate the real grievance, but indirectly and mainly to make an attack upon the learned lord at the head of the legal profession.

The chief ground on which the present motion rested was, that the evil was now as great as it had been in the year 1813. But this was by no means the fact, if hon. gentlemen attended to the fair and not the quibbling distinction between a mere list of causes and an actual arrear of business. At the present moment there were before the lord chancellor and the vice-chancellor about 360 causes; but this number would appear small, when it was recollected that only since Jan. 1st. 1822, no less than 3,527 bills had been filed. To make out an arrear, it was not sufficient to state what number of causes were in the paper. When a cause was ripe for hearing, one of the parties set it down. Suppose, on the 1st of January 1821, there were a number of causes set down, which had originated three years before, he would call it an arrear; but if there were 300 set down for the first time on the commencement of term, it could not be considered an arrear. The position was simply this—if a number of causes had been long set down, that number was the amount of the arrear. The business disposed of had been stated correctly last night. The causes now set down were 360, all of which, with the exception of very few, were set down since Michaelmas term last. This was not more than were usually set down in one term. Causes could not be heard in the same term in which they were set down. A number would therefore be always found in the paper for hearing; but they would not constitute an arrear until they had remained there for a long time. There was another class of cases called exceptions and further directions, which often embraced matter of great importance. The number at present was 125. Two months were now left for disposing of them, and no doubt many would be disposed of before that time. He had looked that day for the purpose of seeing what was the quantity of business left undone at the commencement of the last long vacation; for that was the way to state fairly what the arrear was. Out of all the exceptions and further directions there were not 60 which remained undisposed of, and that number alone was to be called the arrear. Except with regard to appeals, he would state distinctly, that there was nothing which could be called an arrear, and that no suitor ran the risk of being placed in the midst of one. He knew that this opinion did not accord with the notions on the other side, but he called upon gentlemen opposite to point out the difficulty in bringing a cause to a hearing in Chancery.

The endeavour to show that there was an arrear in the Rolls' court had been somewhat unfair. Sir William Grant had left nearly 423 causes undetermined; and since his resignation, 817 new causes had been set down. The number now left was only 61, and no less than 1,179 had been disposed of. All this, too, was exclusive of petitions and exceptions, which of course occupied a good deal of time. An imputation had been cast upon his hon. and learned friend, the present Master of the Rolls, charging him with pertinaciously retaining his office, when he was permanently incapacitated from discharging its duties. All who knew the high character of his learned friend would feel, that it was perfectly unnecessary to repel such an imputation. Now, he would ask, whether it was not a more honourable course in his learned friend to pause before he retired upon a pension of 3,300*l.* than to resign his office, in consequence of an infirmity which might only be of a temporary nature?—It had been urged, that no answer had been given to the additional statements brought forward by the hon. member for Durham. But he would state why they had not been replied to. It was because they were assertions unsupported by any kind of proof or probability. The hon. and learned mover had gone out of his way to make an attack upon the lord chancellor; and therefore his hon. and learned friend, the attorney-general, had been perfectly warranted in complaining, that no previous notice had been given of the cases on which such an attack was to be founded. The hon. and learned mover had said, that in the case of Ware *v.* Horwood, the lord chancellor had been guilty of the impropriety of having several interviews with one of the solicitors without seeing the solicitor on the other side, and of making a decree upon consultation with that solicitor. The lord chancellor had been charged with making a surreptitious decree—

Mr. *Williams* disclaimed having cast such an imputation upon the lord chancellor. He had used no such expression, nor had he given any opinion on the transaction to which the hon. and learned gentleman alluded.

Mr. *Courtenay* said, the hon. and learned gentleman had made the statement upon information received from the adverse solicitor, who complained of the decree having been surreptitiously obtained [hear! from Mr. Williams]. It was true, that the hon. and learned gentleman had given no opinion of his own. He had dexterously left it to the House to exercise its own judgment; but no man could pretend to say, that the impression sought to be made on the House was not, that the chancellor had made a surreptitious decree. He was sure that his hon. and learned friend who spoke last, from the manly tone in which he always addressed the House, would not shrink from saying that such was the nature of the charge. The evidence was much too loose on which to ground so serious a charge. It was said, that the interviews took place before the decree, and with a view to making the decree. The fact was, that the cause was decided in the ordinary and regular way; the chancellor had pronounced judgment; and there was a material difference between seeing a solicitor after judgment given and before. The only object of the lord chancellor in seeing the solicitor for one party, was, that he might be supplied with minute matters, absolutely necessary to the drawing up of the decree with nicety and precision. Such had been the constant course with all chancellors; but the solicitor on the opposite side objecting to it, lord Eldon had taken an opportunity of noticing that objection in open court, and of stating at the same time, that he not only considered the practice right and proper, but that he should always feel it his bounden duty to obtain information in that manner, with a view to making the minutes of the decree as precise and accurate as possible. This was the history of these interviews; and it was with the utmost astonishment that lord Eldon afterwards found, that the solicitor had made a heavy charge for attendances upon him.

The bill of costs was subsequently taxed, and the charge disallowed.—With respect to the case of Brown *v.* De Tastet, he had had occasion to know, that a more complicated suit never came under the consideration of a court of justice; and upon the question of delay generally it might be observed, that such cases as Brown *v.* De Tastet involved a number of points which might become the subject of twenty different suits, and that in the course of such suits the interests of various parties might be involved, who came *in esse* at different times. He would ask any gentleman, whether such a case was likely to be soon determined? The expenses in the master's office had certainly amounted to 500*l.*; but he was sure, that if the papers had been put into the hands of an accountant, the expenses would have been equally great. He therefore contended, that as that was a case which fully warranted delay, no argument could be fairly derived from it.—Another case to which his hon. and learned friend had alluded, was that of Whitchurch *v.* Holunthy, in which application was made to restrain the lord of a manor from cutting down timber. It was said, that there had been very great delay in that case: but it was not added, that that delay had originated with the party who had set the cause down for hearing, without having done certain things which he ought to have previously done, and who had consequently taken a mistaken view of the facts of his own case. His hon. and learned friend had stated, that the attendances in that cause amounted to 1,000*l.* but on that point his hon. and learned friend must be mistaken; as he had learnt upon inquiry, that the whole bill did not amount to more than 500*l.* He admitted, that the complication of the proceedings rendered a number of attendancies necessary in that case as well as in many others, but he thought that no method could be devised for the diminution of them by means of the proposed committee. The evil, such as it was, arose out of the system which had long been pursued in the court of Chancery, and could not be removed without the risk of producing much greater mischief and inconvenience than any that was at present experienced.—His hon. and learned friend had also stated, that the confusion and disorder of the proceedings in the court of Chancery were so constant and so universal, that it almost appeared to be the regular course of business there. He did not know what his hon. and learned friend meant by this observation, unless he alluded to the discretion which the lord chancellor sometimes used in taking certain cases out of the regular order in which they were entered upon his paper. If such were his meaning, then he (Mr. C.) must contend, that in a court of equity, it would not be consistent with the interests of the suitors to deprive the judge of such a discretionary power.

He agreed with his hon. and learned friend in thinking, that the subject of appeals deserved a separate consideration. He allowed that all the advantages which had been anticipated from the erection of the vice-chancellor's court had not accrued to the public; but, in considering whether the number of appeals from it had increased the quantity of business in the court of Chancery, it became necessary to consider what was the number of appeals from it at the present moment. He could inform the House, on the best authority, that there were not more than 104 appeals from both the inferior courts of Chancery, though upwards of a thousand bills had been filed in them during the last year. He did not think that any body would be found hardy enough to impute that number of appeals either to the indolence or remissness of the lord chancellor; for, whatever other imputations might be cast upon that noble and learned personage, it was impossible to say that he did not give as much time, attention, and anxious deliberation to the business of his court, as had ever been given to it by any judge who had ever presided there or elsewhere. If it were true that he was peculiarly diffident of his own judgment, it ought not to be forgotten, that in forming it he brought to the task more knowledge, more acuteness, and more talent than had ever fallen to the lot of any person who had ever sat on a judicial bench. Of late years, from the vast increase of the population and the commerce of the nation, there had been in his court a vast increase of business, arising out of injunctions to restrain the working of mines, out of motions originating in the intricacy of mercantile transactions, and also out of the unsettled state of theatrical concerns. Besides, it was only fair that those suitors who complained of the delay of the court of Chancery should recollect, that they themselves occupied no small portion of its time with long statements of their own cases, and should not therefore impute all the delay to the noble and learned lord who presided in it. For his own part he must say, that he considered the whole case of his hon. and learned friend to be directed against the number of appeals; as there was nothing that deserved the name of arrears to be found in any other part of the business of the court of Chancery. It had been said, that the lord chancellor was accustomed to take much time to make up his own mind. From that charge he believed that the noble and learned lord was not at all inclined to shrink. The noble and learned lord felt, as he believed that a vast majority of the public likewise felt, that there might be a great advantage in a supreme judge taking time for consideration before he laid down principles of law which were not merely to apply to a particular case, but to all cases on which the property and the livelihood of the subjects of England might depend. He knew that it was the unanimous opinion of all the leading men at the bar, that the decisions of Lord Chancellor Eldon would form a system of equity, which, as it went down to posterity, would prove an invaluable guide and direction to all future judges and lawyers. If the object of his hon. and learned friend was to make the noble and learned lord give his decisions with more rapidity than he had hitherto done, he did not see how it could be effected by means of the proposed committee; and he thought he had already shown, that the other objects which his hon. and learned friend professed to have in view, would be equally unattainable by the plan which he had suggested.—With regard to the appellant jurisdiction of the House of Lords, he would observe, that it was quite a distinct subject, and merited a separate consideration. Indeed, a committee of the body to whom the appeal was made, was now sitting to examine how far the mode of appeal could be improved. Would it, then, be wise for the House of Commons, at so late a period of the session as the month of June, to institute a committee, to consider the manner in which it was fitting that Scotch appeals should in future be heard? He was, of opinion that the appointment of such a committee, at the present moment, would be productive of no good whatever to the suitors, and he must, therefore, again repeat his decided objections to going into it.

He had now examined the various points to which his hon. and learned friend had called the attention of the House. He had perhaps omitted some of them; but if he had, he believed that they were immaterial to the main question; and, after that examination, conducted with all the care and diligence which he could command, he was decidedly of opinion, that the case made out by his hon. and learned friend would not at all justify inquiry. To that opinion he had come without any regard to who was, or who might be lord chancellor. It would be an idle waste of time if he were to enter upon a panegyric of the noble and learned lord who at present filled that high office. All he would say should be this—that if in ordinary cases the House would require a strong body of facts to be submitted to it, before it would enter into a consideration of the manner in which a lord chancellor presided over the arrangements of his court, it ought to require a ten times stronger body of facts than usual in the present case, when the inquiry related to the conduct of a lord chancellor who had filled the office for more than twenty years. Though it had been admitted upon all hands, that the noble and learned lord was a personage of unimpeachable integrity, it had still been asserted, that particular cases had happened in which he had departed from his usual habits, and had not entertained even a shadow of a doubt. He was sorry that such a remark had been made; because, if they now went into the proposed committee, they must go into it to try the conduct of the present lord chancellor. The hon. and learned member for Nottingham, he well knew, had said that he made no accusation against that noble and learned personage; but, the effect of his speech certainly had been to make such an accusation. As a proof that the noble and learned lord had not acted without a precedent, he would take the liberty of reading to the House the opinion which a Chancellor of France, in the time of the regency, entertained, as to the necessity of judicial delay: "When you" he says "have seen what I have seen, read what I have read, and heard what I have heard, you will be convinced, that, although you may have thought you knew much, you have still much to learn;

you will admit the necessity of delay, and how a small error may be productive of infinite mischief."—He had now stated his opinion upon this important question. In doing so, he had performed a painful duty; but, filling the situation which he did, he felt it necessary to perform it. He trusted in his conscience that they would not agree to the proposed inquiry, which, even if there were arguments that could have shown it to be necessary in an ordinary case, had been decidedly shown to be improper in the present, by the course of argument which the hon. and learned member for Nottingham had that evening pursued.

Mr. *Abercromby* said, that notwithstanding the length to which the discussion had been already protracted, he hoped he should be pardoned if he offered a few observations; particularly as, in what he had to say, he was sure he should give utterance not merely to his individual opinion, but to that of the country at large. In the first place, then, he was willing to admit, that the noble and learned lord was an individual gifted with the most extraordinary acuteness of intellect—that he possessed a most profound knowledge of law—that he enjoyed a most astonishing memory—and that he was endowed with a surprisingly correct and discriminating judgment. He believed, however, that the warmest friends and admirers of the noble and learned lord's character could not refrain from admitting, that he had one unfortunate infirmity of mind, which intercepted many of the benefits which would otherwise be derived from his great qualities; namely, a want of confidence in his own judgment, which must ever be felt by his friends to be a subject of regret, as it was felt by the public to be a matter of complaint, and, he had almost added, of injury. Though he admitted that no man could be more conscientiously inclined than the noble and learned lord was, to give a correct judgment, still he was surprised that it had never come athwart his mind, that the injury derived from a long protracted, might almost be as great to the suitor as that derived from an unjust, judgment.—It appeared to him, that his hon. and learned friend, the member for Lincoln, had not been fairly treated in the course of this discussion. His hon. and learned friend had reason to complain of the manner in which he had been misrepresented by the other side of the House. It was not his hon. and learned friend who had complained that a decree had been surreptitiously obtained from the lord chancellor, in the case of Ware and Horwood, but the solicitor to one of the parties. Nothing could be so unfair as to assert that such a complaint had been made by his hon. and learned friend, especially after he had read, not the affidavit of the solicitor who actually did make such complaint, but that of the parties who asserted that there was nothing to justify such an imputation against the noble and learned lord. If his hon. and learned friend had attended to the line of argument pursued by his learned friend near him, he would have seen that he had conveyed no such imputation. Had his learned friend been aware that there were gounds for such a charge, all those who heard the manly manner in which he had brought forward his motion, would be convinced that he would have stated it openly and fearlessly to the House. He would now direct his observations to the more immediate subject of discussion. He considered that a new era had arrived in the history of the court of Chancery. The experiment of creating a vice-chancellor had not only not succeeded, but had increased the evil; and a committee was now sitting in the other House of Parliament, for the purpose of effecting a complete alteration in the mode of proceeding in appeals. It had been said by the other side, that his hon. and learned friend, the member for Lincoln had proposed his motion at too late a period of the session to effect any useful and salutary object by it. But, if there were any force in this argument, in what a situation would the House be placed when, at a still later period of the session, a bill should be brought down to it from another place to change the entire constitution of the court of Chancery—a bill, on which they would be called on to pronounce an opinion; when they would be in possession of no information, and when they would have still less time to inquire than they had at present? He thought that the possibility of such a bill being sent down to them was a sufficient reason to institute the proposed inquiry: and the first point into which the committee ought to inquire was this—what was the state of business and what were the arrears in the court of Chancery, in the vice-chancellor's court, and also in the Rolls. The next point to which they ought to extend their considerations would be, whether, with a sufficient vice-chancellor and master of the Rolls, the business of the court of Chancery could be sufficiently performed by a single judge. A great deal had been said regarding the increase of business in this latter court, and much stress had been laid upon the quantity of time that was occupied by the consideration of lunatic petitions. Now, though he would not deny that some lunatic petitions required much useful and anxious consideration from the lord chancellor, still he would contend that many of them—he would not state how many—might be disposed of, and indeed were disposed of, almost without a moment's reflection. Now, the best way to ascertain what time those petitions occupied would be to refer the question to a committee, to whose inquiry he would leave the differences between himself and the hon. and learned gentleman. One of the complaints with himself and with the public—and it was a most grievous complaint—was, that no original cause was heard by the lord chancellor, except such as grew out of cases in which his lordship was trustee, or guardian, or patron. It was a just ground of complaint, that no original cause was now heard before the lord chancellor, and that his opinion could not be obtained without the preparatory step of going before an inferior court. With respect to the vice-chancellor, he was generally blamed for using too much rather than too little despatch in coming to his decisions; but still that did not lessen the grievance of which the suitor had reason to complain. He was willing to rest the fate of the present motion on the following facts. He had just stated that no original cause was now instituted before the lord chancellor, and that almost every thing that came before him was in the shape of an appeal. Now, if any professional man would show him the day on which an appeal was first set down for hearing—and would then show him when it was put down for hearing in his lordship's paper and hung up in Lincoln's-inn-hall—and would then show him how often it was put down in that paper and did not obtain a hearing—and would then show him how many attendances were rendered necessary — and would then show him when the appeal was heard—and then when judgment was pronounced—if any professional man, he said, would show him all this, and would then pledge his credit with the profession that no inconvenience nor hardship arose from the system, surprised as he (Mr. A.) might be, still he would be content to abandon this inquiry as totally unnecessary and uncalled for. The hon. and learned member said, that if the proposed committee were granted, he should advise them, in considering the delays of the court, to take sir W. Grant as the standard for despatch and accuracy of decision, and to compare the number of the judgments of that eminent equity judge, who had retired covered with the admiration and gratitude of his country, with that of any other judge; and, with that comparison as a test to leave it to the House and to the public to decide, whether there was not in that delay a public grievance for which, in some way or other, a remedy ought to be devised. After declaring that the committee ought also further to inquire whether, if lord Eldon were restored to the court of Chancery, and the appellant jurisdiction entirely taken from him, there would be business enough for three equity judges; and stating his own opinion that there would not, the hon. and learned gentleman proceeded to point out what he considered another important reason for granting a committee upon this subject; namely, that it could inquire into the causes out of which the delay originated which every body so loudly deplored. The two great objects which the committee ought ever to keep in view were, the despatch of business, and the saving of expense to the suitors. He wished to know whether much time and much money were not usually expended before the cause could be brought to issue? and to that point the committee ought particularly to direct their inquiries. He was well aware that many eminent men at the bar had declared that much time and much money might be saved to them by some change in the present mode of proceeding; and upon that account, as well as upon the grounds which he had previously stated, he maintained that the motion of his hon. and learned friend ought to be adopted.

Mr. *Wetherell* began by complimenting his hon. and learned friend, the member for Lincoln, upon the liveliness with which he had treated a somewhat heavy and uninteresting subject. He gave his hon. and learned friend credit for a knowledge of equity business, scarcely to be expected from a gentleman not himself a practitioner in the court of Chancery. He differed entirely in opinion from his hon. and learned friend, and trusted he should be able to refute every fact that he had brought forward; but he was still bound to declare, that his hon. and learned friend's speech on the last evening—sound and entertaining as his addresses in general were—had been such as to raise him very considerably in the estimation of the House. The speech of his hon. and learned friend, if he rightly understood it, had divided itself into two parts; the first applying to the general system upon which courts of equity in this country were constructed; and the second reviewing the conduct of the lord chancellor in the high office which he had filled for more than twenty years. His hon. and learned friend then wished for a committee, which committee was to overthrow the existing dynasty of the courts of equity in England. Had his hon. and learned friend a new dynasty ready to set up in that existing dynasty's place? No. The hon. and learned gentleman had no plan to propose. He had offered the House its choice of six plans; but he had not even hinted which of the six he would prefer. Which of the six plans submitted, did the hon. and learned gentleman mean to rely upon? Which was the plan he meant to propose in that committee, which it was to be hoped the House would not enter into?

The learned member for Oxford then proceeded to defend the institution of the vice-chancellor's court—a measure for which he had voted, and for which, under the same circumstances, he would vote again. It had been said, that this court did nothing but multiply appeals, and thereby produce increased expense to the parties; and it had been further said, that there existed now the same delay and arrear of business in the chancellor's court which had existed prior to the vice-chancellor's creation. But these statements were mere assertions, unsupported by documents or papers. He would assert, that there was no arrear whatever of business at the present moment, either before the vice-chancellor or before the master of the Rolls; not a cause which was more than two terms behind its regular time of being heard. There was a list of causes, about 104, before the lord chancellor; and, from the nature of legal proceedings, it was unavoidable that there should be always a number of causes standing for decision; but, to say that there had been a list of 104 causes before the chancellor three years ago, and that there were the same number of causes before the court at the present moment—this was not to prove delay or anything like delay; unless it could be shown that the causes now standing were the same causes which had been standing three years since. The fact was, that the cause-list would never be exhausted; as fast as old cases were disposed of, new ones were added. The appeals from the vice-chancellor's court were charged to be excessive. It was said, that the vice-chancellor could do nothing but send business up to the lord chancellor. He disliked troubling the House with figures; but he would give them something in the way of a result. The appeals from the vice-chancellor were in the ratio of 7½ per cent upon the causes decided; and they had been 7 per cent from the court of Rolls, in the masterships of lord Kenyon, lord Alvanley, and sir T. Sewell. Another topic of objection was, that the time of the lord-chancellor was now occupied in hearing appeals, to the exclusion of original causes. No doubt it would be better (if the thing were possible) to have the decision of the chancellor upon both original causes and appeals; but, if one class of causes only could be taken by his lordship, it was better that that class should be the appeals.—The hon. and learned member for Lincoln had further produced several cases which he charged to be instances of mismanagement and delay. The hon. and learned member had certainly disclaimed every thing like personal imputation upon the lord-chancellor. He had said, that he spoke *de re* and not *de persona*; but, if he condemned the thing which existed, did he not, of necessity, condemn the author of that thing? The hon. and learned gentleman said, that he derived all his information—that was, his facts—from one office. Now, he (Mr. Wetherell) had been concerned in more than one of the cases which the hon. and learned member had cited. He knew the *officina* from which the statements of the hon. and learned gentleman had been supplied; and he would say, that there were some of those cases cited, which, if they were meant to be connected with the personal conduct of the lord-chancellor, were foul and slanderous falsehoods. In the case of Ware and Horwood, it was alleged, that the lord chancellor had, directly or indirectly, given out a collusive and surreptitious decree. He denied that charge, let it be brought forward in what manner it might. He would say to the man, whoever he was, that originated such a calumny, *mentiris impudentissime!* He had been counsel in that case, which was one of great difficulty; so great, indeed, that the late lord Ellenborough had differed from lord Mansfield upon it. That a bill of reviver had added to the expenses of the cause, had not been the fault of the lord chancellor. Could the lord chancellor prevent suitors from undergoing the mortality of death? He was never concerned in a case of more importance. The chancellor had in this case as in others of great moment, given to the parties the minutes of his decree some time before the final judgment was pronounced; and it would be going too far to say that the decree was surreptitious, because the solicitors of one party might not choose to attend. The party against whom that decree was given had put into his hands a petition, which was so incorrect and scandalous with regard to the conduct of the lord chancellor, that he would have nothing to do with it; though, if it had fairly stated an objection to the minutes or decree, he would have advocated it. It was well known that that noble and learned person, was in the habit of depriving himself of his own vacations, by transacting in his own chamber business for which he had no time in court, and was moreover, in the habit of dictating to his own secretary on cases which he had carried home with him from the court of Chancery; thus depriving himself of those intervals of relaxation of which others availed themselves. He would say, that the accusations brought forward by his hon. and learned friend against the lord chancellor, as a judge, were more unfounded and unsupported than any that had ever before been uttered. If his hon. and learned friend felt himself capable of repelling that charge, an opportunity would be afforded him; but he would boldly maintain, that in the case of Ware and Horwood his hon. and learned friend had made statements that could not be substantiated.—In the case of Brown and de Tastet, which the hon. and learned gentleman had cited, he (Mr. Wetherell) had also been of counsel; and the *officina* from which the hon. and learned gentleman received his information, had most completely deceived him upon the facts of that case. The hon. and learned gentleman had stated, that there were two appeals in the cause—one from the vice-chancellor, and the other from the master of the Rolls; and the appeal from the master of the Rolls had not been heard by the chancellor until twelve years after its institution. Now, the truth was, that the appeal from the vice-chancellor, as to the exceptions, had been heard three years after it was made; and upon that occasion the lord chancellor had himself raised the appeal from the decision at the Rolls, by saying, that he could not well rehear the exceptions without rehearing also the original decree; so that the appeal turned out to be of three years standing, instead of twelve.

Having now, he thought, sufficiently replied to the cases brought forward by the hon. member for Lincoln, he should proceed to notice some points in the debate which seemed to him to have run a little out of the record. The Exchequer argument seemed to have been brought forward as a kind of episode to the matter of the court of Chancery. He could not quite understand why, because Mr. Baron Garrow was ill, or because Mr. Baron Graham was old, the court of Chancery should be *fac-similated* to the court of Exchequer. The hon. and learned member too for Nottingham, had, he thought, taken up a point with which the discussion had nothing to do. The question before the House was not, whether the lord chancellor had given a right or a wrong opinion in the case of the earl of Portsmouth; the question was, whether there were delays, and needless ones, in the court of Chancery?—He defended the doctrine laid down by the lord chancellor with respect to literary property, which had been one of the grounds of attack. He, for one, entirely concurred with the noble and learned lord, as to the propriety of that doctrine. But, it was not correct to attribute it to him. The doctrine was not new. It had been a long-established doctrine, that no literary property could be maintained in a work, the nature of which militated against public morals. That doctrine was laid down by Chief Justice Eyre, and was maintained by all lawyers of eminence whose opinions prevailed in that court. He had the misfortune to be counsel in that cause, and was obliged to concur with the opinion of the court, that the work in question, in which the existence of the soul was held to depend on the materiality of the body, and this principle, put forth in the lecture-room, poisonously mixing itself with the instruction of the rising members of that faculty, could never be entitled to the protection of the law. Never was there a more sound, legal, and righteous judgment than that given by the lord chancellor in the case to which allusion had been made.—The next charge against the noble and learned lord was, for not issuing a commission of lunacy in the case of lord Portsmouth on the first application. The question for the House was not, whether lord Eldon was a good or a bad lawyer, but whether or not the business of his court was conducted with the proper degree of despatch. Now, what had his lordship's view of the Portsmouth cause to do with the question? But, so far was the noble and learned lord's conduct from wanting defence, he would fearlessly aver, that the circumstances submitted in support of the two applications were so entirely different, that the principle on which the commission was granted at last, must have led the court to refuse it in the first instance. He should be most happy to meet any of the great common-law lawyers who were sitting opposite to him upon that specific subject.

One of the complaints against the jurisdiction of the court of Chancery was, that it afforded facility to appeals. He would ask the common-law lawyers if there were not just grounds in point of fact, to complain of the other courts? Did they not all allow of two appeals? If a case were taken into the Common Pleas, it might be afterwards taken into the Exchequer Chamber, or into the House of Lords. So also, if a case were removed out of the Common Pleas into the King's-bench, an appeal lay after that to the House of Lords. What was the calamity, then, which they deplored on behalf of suitors in Chancery? There was an appeal from the master of the Rolls to the lord chancellor, and from Chancery to the House of Lords. There was an appeal from the vice-chancellor of the same order. Were they prepared to overturn the two appeals in courts of common-law as well as in Chancery? If so, let the juridical principle be generally proposed, that the arguments might be fairly met. The right of appeal was less in equity than in common-law. As to the conduct of the venerable person who presided in equity, it was remarkable that, during the whole time that the present lord chancellor had held the seals, now nearly two and twenty years, none of his judgments had been reversed, if they excepted one case. He knew that it might be said, the appeal was from Cæsar to Cæsar—from the chancellor in Chancery to the chancellor on the woolsack—but it must be remembered, that his lordship was constantly assisted by lord Redesdale, who, since his resignation of the Irish seals, had devoted his whole attention to appeal cases: besides which, the candour, patience, and generosity of the supreme judge would always have induced him to acknowledge it, had his opinion altered. This circumstance was in itself a remarkable pledge of the talent and integrity of his judicial labours.—But then there was a complaint of dilatoriness. The question was, how long a judge ought to take in making up his mind after hearing the whole of the case? That must depend in a great measure on the intellectual capacity of the judge. Now, they might have judges who would be more expeditious; but, for his part, he preferred dull truth to brilliant error—slow accuracy to expeditious ignorance or misinformation. He would have one cause well decided, rather than ten determined rashly. Honourable gentlemen opposite might prefer judges who would be more speedy. They would even bargain for a few mistakes, although they should take place in causes in which the largest estates were involved—they would not be particular, though 20,000*l.* a year should occasionally be given to the wrong party. But, said the gentlemen opposite, give us expedition, and that is all we wish. If, however, the chancellor of England was slow, he was not the only judge in Europe who had been so. If the court of Chancery in England had arrears of business, the Chancery of France had been charged with the same failing. If he were asked to put his finger on a great and eminent lawyer of that country, he should point to D'Aguesseau, who was the most cautious and dilatory judge, and had caused more delay in his court than any of his predecessors. The words of lord Bacon had been quoted by the hon. and learned member for Lincoln, and that had induced him to look into his lordship's books, where he had found something quite as applicable to the case as the *dubitandi patientia*. That great man had, in a way peculiar to himself, compared despatch in a judge to what physicians called pre-digestion, or hasty digestion; which was sure to fill the body full of crudities, and secret seeds of diseases. If honourable members would consult their own internal economy, and conceive for a moment what would be their feelings and state of health in this particular habit, they would easily guess at the state to which the jurisprudence of the country might be brought by expedition in judgments. A man on whose single shoulders rested such weighty responsibility, might well pause before he gave decisions on which depended such extensive interests, such mighty masses of property. The nerves of that man must indeed be strong, who could rescue himself from the anxiety necessarily consequent on such a situation, and who unprepared, could precipitate himself on judgment. A judge, who had formerly been condemned by some person for not running quickly through the criminal calendar, had answered the impertinent railer, by observing, that he so judged in the day as to be able to sleep on going to bed at night. When they considered what a prodigious power was lodged in the hands of this magistrate—a power which placed all the large properties and titles in the country at the disposal of his single *arbitrium*—a power greater than the Roman prætors exercised—greater than was intrusted to any magistrate in any state in the world—they could not be surprised, much less displeased, at seeing that it was used with the solemn deliberation which became the exercise of it. But this was not all. The supreme judge had not only to dispose of individual cases; he must, to the best of his ability, lay down propositions of law, for the guidance of the court in all similar cases. The erudition, legal science, experience, and accuracy displayed in the thirteen volumes of cases decided by the present chancellor were unparalleled.

His hon. and learned friend had alluded to the number of Scotch appeals to the House of Lords; but that was no reason for going into the committee. If the House of Lords chose to alter its appellant jurisdiction, and send a bill down to that House for the purpose, it might be dealt with according to the wisdom of the House when it came there; but, he repeated, that was no reason for acceding to the motion of his hon. and learned friend. The House had just come reeking wet out of the inquiry into the conduct of the sheriff of Dublin, and several of his hon. and learned friends had stated, that that inquiry had put the members of the House out of humour with themselves, and the public out of humour with them; and he doubted much whether the proposed committee would tend to restore the harmony of which the House had so lately been deprived. It was his opinion, that, in the present state of affairs, the chancellor ought to be assisted by two auxiliaries. He did not look forward telescopically (if he might so express himself), but he thought such an arrangement would be highly beneficial. The hon. and learned member concluded by observing, that though he had differed with the gentlemen opposite, and especially with the hon. and learned member for Winchelsea, as to the uselessness of the Dublin inquiry, he should agree with them if they would now declare that the proposed committee was perfectly needless. He begged pardon of the House for having taken up so much of its time, but he felt extreme anxiety to deliver his sentiments on this question.

Mr. *Scarlett*, in rising to support the motion, said, that however pre-digested the speeches of other members might have been, his hon. and learned friend had shown nothing like pre-digestion in the able speech which he had just concluded. He had heard much, in the course of this protracted discussion, of the prudence of judges and of the despatch in the courts of Chancery. It might be said, that counsel had been heard both from the court of Chancery and the courts of Common Law. But, was there no one else worth hearing? Were there no suitors present? Had no gentleman been a minor under the protection of the court? Was there no member present who had been so happy as to obtain a decree in his favour, with costs awarded him? If such there were, he would implore them to get up, and he would entreat the House to hear them. Let not the speeches of counsel be attended to, but let them hear what the suffering witnesses had to say; for, if the House intended to do impartial justice, it ought to hear evidence. He was certain, that however he and his hon. and learned friend might appear to differ in that House, they would not differ out of it; and that though they might disagree as to what was necessary, there would be no dispute between them that something was required. He would tell the House on what grounds he meant to support the motion. He had too much respect for the lord chancellor to pronounce a panegyric upon him in parliament; but he might be allowed to say, that the fame of that venerable man was great enough to bear discussion. The motion went to inquire into the causes of the delay in Chancery, and the appellant jurisdiction. It was said on the other side, that there was no delay. That was a question of fact which ought to be tried. It had been assumed, that the motion had for its object a personal attack on the lord chancellor. Now, there was nothing in the eloquent speech of his hon. and learned friend savouring of that tendency. And, while he was upon the subject, he would say, that that speech was a perfect answer to the calumny that there was no talent at the bar. There never was more talent at the bar, in all its ranks, more especially the middle rank. He begged leave to ask his hon. and learned friends opposite why it should be supposed, that, in making his statements, his hon. and learned friend, the member for Lincoln, had intended any personal imputation whatever? It would, if such a supposition once obtained, become a matter of extreme difficulty and delicacy for any member of the profession to introduce a similar motion; for it might be said that individuals were in every instance alluded to. He knew, from personal experience that very day, that an allusion made last night to one of the greatest ornaments of the bench, Mr. Baron Graham, had been misunderstood and misrepresented, and had, he also knew, given some pain to the excellent mind of that learned individual; but he trusted that he (Mr. S.) had contributed to remove the unpleasant impression. Such was the perplexity attending discussions of this nature in the House. Whereas in a committee, those who were able to speak with most knowledge upon the subject, would feel themselves free to do so, without the fear of giving offence. He could state the opinion of his much lamented friend sir Samuel Romilly on an occasion similar to the present, in which he had observed, that holding as he did a certain station in the court of Chancery, he never would speak in the House on a question concerning its constitution, lest he should be misrepresented; but he should deliver his opinion in a committee without any reserve. The delay complained of was inherent in the constitution of the court itself, and was not created by the particular judge who presided there. He would ask, why should not the House now attempt to remedy a grievance? His hon. and learned friend, the attorney-general, said, that no fault could be found with the manner in which the business of the court of Chancery was conducted. Why then refuse inquiry? He would again ask, was there no suitor of that court—was there no man who had been a minor—was there no man whose marriage settlement had come before that court, then present, who would assist the House with his evidence? For his single testimony would be worth all that had been asserted by gentlemen of the profession. As to the bill which was to come down respecting the Scotch appeals, he would say, without meaning any thing disrespectful to the lord chancellor, that the House should always be prepared to consider with jealousy the proposals of judges as to alterations in their own courts. Experience proved that they were not the best judges in these questions. Since the appointment of the present solicitor-general, there had been three bills brought in for alterations in the practice of the court of King's-bench late in the session, and at one or two o'clock in the morning; and not one of those bills had had the concurrence of the profession. No bill of that nature should be entertained by the House without previous inquiry before a committee, where the truth could be elicited without offence to any one. No attack was intended on the lord chancellor. There was no need of any array of counsel on one side or the other. Innovation was not the object of the committee. It was asked for, in order to ascertain whether any, and what alterations were necessary. If the noble fabric of jurisprudence erected by our ancestors was, or seemed to be, defective, he should approach the task of amending it with the greatest reverence for the venerable edifice, and he should rather consider the evils as arising from present circumstances than from any other cause. He would suppose a case, which perhaps he might state thus—If a judge, who was acknowledged to be a man of extensive learning, as well as of great talents, should be, by any cause arising from age or sickness, unable to fulfil, as he had formerly done, the duties of his situation, he would not alter the constitution of the court in which that judge presided. He would not make the court fit the man, because the man did not exactly fit the court; but he would provide a remedy for the existing evil, leaving that which experience had sanctified to remain untouched.

If there was a general opinion, that some modification was necessary in the court of Chancery, why not inquire? With respect to the delay of the court of Chancery, it was quite proverbial. It was not the complaint of to-day; it was the complaint of the last century. The late Mr. Justice Buller had not hesitated to declare, that he considered the court of Chancery a nuisance. He (Mr. S.) could not say he thought so; for he believed that court to have many excellent properties; but, if any thing in it was grievous, the House ought to inquire into it. For himself, he should always strenuously oppose any alteration, not founded on previous inquiry; convinced that, as it would be made in ignorance, it would end without producing any beneficial effect.

As soon as the hon. and learned gentleman sat down, the cries of "Question, divide, withdraw," prevailed. The gallery was partially cleared. No division, however, took place, and

Mr. *Brougham* rose. He began by observing, that he was not surprised at the impatience which had been manifested by the House, when he considered the lateness of the hour, and that it was the second night of a debate on a subject as dry as could well occupy its attention, and in the course of which so much talent, ability, and discretion, had been displayed on both sides; but more especially by his hon. and learned friend, who had introduced the subject to the notice of the House. He must nevertheless, regret, with his hon. and learned friend who had just spoken, that the whole of the debate had been confined to the legal members of the House. He could have wished that, as well as the artists and practitioners in that court—which, in as well as out of the House, had been admitted to be a court of pain and peril, of loss and suffering, of delay and anxiety, of expence, of misery, of penury, and even in some instances the cause of death itself—he could have wished to have called up in witness before the House, some of those who had suffered, not the last, but the scarcely lesser evils—some of the parties to a Chancery suit—some hapless man bending under the weight of penury, the consumption of means, exhaustion of body, and almost of vital energy—some of those who had gone for relief into that court, where it was technically said, relief could alone be obtained. He could have wished that some such one would have started up, and let the House only look upon him. He did not desire to hear him speak—he did not wish they should be pained by hearing his feeble and scarcely audible voice—he only wished that the House could look upon one of these unhappy objects of the cares of the lord chancellor. But he knew this wish was in vain: the suitors would not come; and when his hon. and learned friend desired a committee for the purpose of inquiring into the subject, they were told, that they should have any thing else but that. They might make speeches, and attack the court of Chancery generally, and in detail, but there was one thing which should not be granted. Let the case be never so strong—let the instances be never so multiplied—let them be never so stringent or applicable—still, a committee to hear evidence, and make a satisfactory investigation into the subject, should not be granted. And who, he must be allowed to ask, were they by whom the door was shut upon this ardently-sought inquiry? Was it by the members of a hostile branch of the same profession—by common-law men who were enemies to the court of Chancery, and whose unfriendly feelings were founded upon their dislike of the peculiar privileges, the separate jurisdiction, and the extended powers of that court? Was it by these persons that the ears of the House were shut against reason, argument, and fact? No such thing. Was it then, by those, if any such there were, who had the misfortune to call the lord high chancellor their enemy, and who were inspired by personal hostility? No such thing. The denial came from the noble and learned lord's own friends—from those whose friendship for him was so delicate and tender, that it prompted them to refuse an inquiry into the conduct of the court over which he presided. They thought they discovered a personal attack upon the judge, in a mere desire to inquire into abuses as old at least as the time of dean Swift, who had described Gulliver's father as having been ruined by gaining a Chancery suit with costs. He (Mr. B.) entertained the highest respect for that noble and learned lord's judicial character. All that he had seen of him,—which, indeed, had been little more than in the private intercourse between gentlemen of the same profession,—called for his gratitude for great civility which had always been displayed towards him. He knew nothing of the noble and learned lord which did not entitle him at his (Mr. B's) hands to great respect, in his character of a judge. He did not say any thing of him as a politician. He wished to draw a broad line of distinction between the two parts of his character. But he had such a feeling of respect for the noble and learned lord, that he could not help saying, with the most perfect sincerity, that he wished him better, abler, bolder, more discreet, and more skilful advocates, than his cause,—if it was the cause of the noble and learned lord,—had found in that House. If men had been imbued with the most deadly hatred for the lord chancellor—if they had laid their heads together and had racked their wits to find out the means by which the fame and character of lord chancellor Eldon might be damaged, and his reputation as a judge sullied,—they could not have selected a more effectual mode of accomplishing it, than the course which those who called themselves his friends had thought proper to adopt. The hon. and learned member for Exeter (Mr. W. Courtenay), himself a master in Chancery, had told the House last night, that he was most anxious to defend the lord chancellor. And he had shewed the sincerity of his anxiety in a most singular manner, by voting twice against an adjournment, and thus endeavouring to put an end to the inquiry, and deprive himself of that very opportunity which he professed himself so anxious to seek. The attorney-general had made his reply, such as it was, to the indeed unanswerable statement of his hon. and learned friend, the member for Lincoln. He was followed by the hon. member for Durham, who had so laudably applied his mind to this subject, and who had brought forward much valuable information in his various statements to the House connected with this question. And then came the anxiety of the hon. and learned member for Exeter; and how did it first exhibit itself? for it really was deserving of investigation. and here at least there was no bar to inquiry. The master in Chancery remained mute; or if he did utter a syllable, it was merely the cry of "Question, question!" He had then resisted the motion of adjournment, and to-night he came down prepared at all points, to defend the character of the lord chancellor—by arguing against all investigation! His object was, not inquiry, but a decision; not proof, but the weight of numbers;—the irresistible illumination by which so much light was thrown on certain discussions in that house.

His hon. and learned friend, the member for Lincoln, had stated very justly, that the practitioners in the court were afraid to bring forward the cases which came immediately within their knowledge, lest it should affect their business in the court. Nothing could be more natural, and certainly nothing less offensive to the lord chancellor himself, than such an opinion; but how had it been tortured into a studied offence of that noble lord by his meritorious defenders. "What!" it was said, "was it to be presumed that the lord chancellor would descend to the exercise of any vindictive decision against those who came forward and furnished evidence?" He, who knew the lord chancellor, would say No. He was quite certain, that if in the course of to-morrow that solicitor from whom his hon. and learned friend received his information, were engaged in any cause in which it became necessary that he should see the noble lord, his act would be obliterated from the chancellor's memory. But how were the suitors to know this? And, therefore, without a compulsory process, which would bring their evidence fairly before a committee of that House, it was idle to expect such information. He was surprised that the attorney-general, who was on most occasions a perfect model of fairness, should have, in the warmth of argument, imputed to his hon. and learned friend that which in his cooler moments he would regret—that he should put so unfair a gloss upon a perfectly fair and natural inference. If he were disposed to charge the lord chancellor with corruption—if he were disposed to do him as much mischief by his zeal, as his friends had that night succeeded in bringing upon him by their unintentional hostility—he should not hesitate—he owed a duty to his country—he should discharge it fearlessly: and therefore he marvelled much to hear his hon. and learned friends talk about calumnious attacks, when he knew that if his hon. and learned friend, the member for Lincoln, intended to impute corruption or to charge abuses upon the lord chancellor, he would not shrink from the avowal of his intention. He knew, too, that his hon. and learned friend, the member for Oxford, who had dealt very liberally in imputing such intentions to others, would not, if he had received his instructions, refrain from saying any thing that he thought would be beneficial to his client, however scandalous or calumnious it might appear; and therefore, if he had hesitated to state the calumny communicated to him by his client in the case of Ware and Horwood, it was not because he thought it scandalous, but from a conviction that it would not prove serviceable to his client's interest. He had no right to institute any previous inquiry; he was bound to rely upon his client's instructions; and if that client misinformed him, upon his own head must the consequences descend. He knew enough of the professional habits of his hon. and learned friend, the member for Oxford, to say that this was his practice. It had been his (Mr. B's) fate, some time since, to be engaged in the same cause with his hon. and learned friend, and he well recollected the consequences which followed his hon. and learned friend's bold and manly discharge of his duty—a duty which he discharged without considering how high the head was, against which his censure might fall. His hon. and learned friend let fly his arrow boldly, and the parties had subsequently settled the matter between themselves; by which adjustment a certain noble person went for three months to prison.—There was no one who thought more highly of the justice and the conscientious scruples of the lord chancellor than he (Mr. B.) did, and he was well aware that the most rigorous attention would be paid by him to-morrow to any solicitor of his court who supported the present motion, or assisted the inquiry if it should be gone into. But, did the suitors know that?—Did the clients know it? No: and what would any one of them say to his solicitor who should give the management of a cause to his learned friend, the mover of this inquiry, if he were a practitioner in that court? It was for that reason, to avoid all those objections, that he asked them to send him up stairs to inquire—to allow him to call for persons, papers, and records. Let them examine evidence, and let the result be, he would not pretend to say what it would be, but let them come to some decision, and either acquit or condemn. That was his principal reason for voting for the inquiry. He knew that there was no other mode of getting at the actual truth. He knew also that the documents on the table were imperfect. He would mention one instance of their inaccuracy. The attorney-general had talked much of the increase of business, whence he inferred the necessity for increasing the machinery of the court. He had said, that nearly double the number of bills had been filed since 1810. It was not very consistent with the subject to talk about nearly doubled—this word "nearly" ought not to be applied to matters relating to courts of justice. The attorney-general had compared 1810 with 1823. In the former year, the number of bills filed was 1,700, and in the latter 2,400. This was what the attorney-general called "nearly doubled." According to the ancient system of calculation, twice 17 used to make 34. So far from being doubled, it was not one-half more. This was another instance of the necessity of going into a committee.

There was another part of the speech of the hon. and learned attorney-general, which he wished to notice. He meant that part of it which was received with a cheer, such as he hardly remembered to have ever heard in that House, and which he was only prevented from calling a yell, by the respect which he entertained for the present assembly. Sure he was, that the chorus—the *Io Triumphe*—proclaiming the defeat of his hon. and learned friend still rang in his ears — he meant the yell following the attorney-general's vigorous detection and exposure of his hon. and learned friend, the member for Lincoln, who had asserted that for one bill the charges for attendances, &c. amounted to 1,030*l.* in that particular cause. Now, it turned out that his hon. and learned friend was wrong, and that he might have with more correctness computed that bill at some hundreds more. This case would be enough, if it were not accompanied (as it was) by many others, which showed the necessity of inquiry, and of endeavouring to avert that calamity, which it was allowed pressed so heavily upon the country. To listen to some honourable members, it might be supposed that his hon. and learned friend, the member for Lincoln, had now for the first time broached a subject which had never before been heard of by mortal. He (Mr. B.) had mixed much as well with those who now practised in the court of Chancery, as with those great and good men who had been removed from them for ever—men who were at the same time the ornaments of the law and of human nature

—men who had practised as many years in the court of Chancery as the attorney-general had practised months, and who had been engaged in as many thousands of equity causes (notwithstanding the learned gentleman's extensive success) as the attorney-general had been in tens; and all these great men had pronounced, with one voice, that that court was a great public grievance, and the severest calamity to which the people of England was exposed. If there was an evil to the country, which affected every man who had property, and those who had not, perhaps in their domestic or personal relations—which interested the comfort, the independence, or the personal liberty, of every one of the people of England—it was the court of Chancery. This had been so deeply felt by some who had practised in that court, that they had laid down the practice; notwithstanding the effects of early education, fixed habits, and their rising glory. All these considerations had been put to flight in their candid and ingenuous minds, by having daily exhibited before them the wounded feelings of suitors, whose hardships sprung from the same source whence they were drawing fame and fortune. One of those great men, now no more, the late lamented sir Samuel Romilly, had left behind him his recorded opinions upon this subject; and he owed it as a duty to declare, that those opinions should one day see the light. They had been deposited in his hands as a sacred testimony, and they would amply prove, that the abuses of the court of Chancery had not been over-stated by his hon. and learned friend, the member for Lincoln. Let gentlemen go among those persons who practised exclusively in this court, and without whose assistance no suitor would think his cause safe, and if they hesitated to acknowledge the existence of these abuses—if they admitted a peg upon which any hesitation could be hung—if they did not confess that his hon. and learned friend had understated his case, then he (Mr. B.) would say, "give us no inquiry." But, as he knew that the contrary would be their answer, and as he wished to see those gentlemen examined, he called upon the House not to turn away the people from their bar—not to shut their ears to that case which had been so ably laid before them by his hon. and learned friend—not to refuse justice to those who were his clients and the House's suitors—not to forsake their duty by refusing an investigation.

Nor would he have it supposed that the present administration of justice in the court of Chancery was a matter which concerned persons of property only. The poorer classes of the community were equally interested in it. He would ask any professional man, common-law as well as equity lawyers—and upon the answer he would be content to rest the issue of this part of the argument—whether, when the case had been sent him of a person kept out of a property of small amount which belonged to him, and when by his skill he had discovered the precise nature of the wrong, if he found that the only remedy was to be obtained in the court of Chancery, he would not think he had reduced the problem *ad absurdum*. No man who ever put a forensic habit on his back would think of advising a suit in equity to recover 50*l.* or 80*l.* or 100*l.* Could there, then, be a greater libel upon the law of a country, than to say that a man must be kept out of his right, because, if he sought it, the costs of the court of Chancery would be his inevitable ruin? Would the House hear this, and say—"We are not able to deny it, we have not assurance enough to question any part of it, but yet we will not grant an inquiry into it?" After that night's debate, would they say, "You may deliberate, but it shall be with your eyes bandaged; you may labour night after night, but it shall be in utter darkness; for we will carefully shut up every aperture by which light may be admitted?"

He felt that at that hour of the night it was not expedient to go into all the details of this subject, but there were some to which he should allude; as he would not have it said that he had scrupled to state what he thought necessary to the subject. The number of bills had been insisted upon as proof of the increase of business in the court of Chancery; but this was at best a very equivocal proof of that fact. Every wrong-doer, every one in a *mala fide* possession, might file a bill; and there was every inducement to do so, when the slowness of the court of Chancery produced slowness in geometrical progression; for if there was too much business in the last year, the arrear in the next would be increased. Many of those bills, also, arose from common-law causes, and were not of the staple business of the court of equity.—In the year 1813, one had been added to the number of judges. And this led him to the inquiry how the business of the Rolls court was transacted. In naming it he was compelled not to regard to whom he might give offence. As a member of parliament he was bound to regard the suitors more than the judges, and to take more care of the interests of the former than the feelings of the latter. In 1817, an alteration was made in the Rolls court, by the secession of one of the greatest judges of modern times. He had no right to approach sir W. Grant, even in the character of an eulogist; but he could not refrain from paying him this tribute of praise, and of adding, that his retirement was a subject of unanimous regret to the profession. Sir W. Grant discharged the business of his office without delay or arrear; and there was no complaint of unsafe expedition, or of want of caution. In the Rolls court, and during the war in the prize-appeal court, he had discharged his functions with equal talent, and equally to the satisfaction of the suitors. His brilliant judicial career being closed, sir W. Grant was succeeded by sir Thomas Plumer, a gentleman who had previously been the vice-chancellor, and who, before that, had the reputation of being one of the best advocates. It did not, however, always happen, that the ablest advocates made the best judges; and, in the instance of sir W. Grant's successor, he (Mr. B.) did not insinuate, but he distinctly said, that he had proved so decidedly inferior, that the loss of the late master of the Rolls was regretted more than ever. A very ingenious person, sir John Leach, succeeded as the vice-chancellor. The number of causes disposed of in that court increased suddenly, and amounted, upon an average, from 126 to 453 causes; from 216 to 332 petitions; from 1,395 to 1,846 motions; from 235 to 821 exceptions; and from 194 to 318 pleas and demurrers. The total increase of business in the vice-chancellor's court from the time that sir T. Plumer left that court to the present time was, 1,250; and, with the increase of the business in the court of Chancery made a total of 1,600 pieces of business. But, this increase was as much attributable to the departure of sir William Grant from the Rolls as to sir John Leach coming into the vice-chancery. In fact, the business of the Rolls from that time had very much diminished. It was no merit to say, there were no arrears where there was no business. But it was said, that as the suitors went voluntarily into the courts of equity, the increase of business in the vice-chancellor's court was a decided proof of its merit. This was not true; for suitors did not go voluntarily into that court, but were sent there by the lord chancellor; and that was the great burthen of the complaint against the system. The attorney-general had said, that that great fountain of learning and of law—the court of Chancery—should be open to all alike. So he (Mr. B.) said too, and, therefore, it was, he complained, that the functions which few others but so wonderful a man as the lord chancellor could perform, should be executed by deputy. He deprecated this system of deputyship altogether; for he predicted the worst effects from it to the pure administration of justice. The situation of chancellor of this country, whilst it continued to be the difficult and arduous situation which it now was, must be filled by extraordinary men. But if this system was to prevail, that might soon cease to be the case. If the duties of this high office were to be put in commission—if one half of the business in Chancery was at one time to be taken away and confided to a deputy keeper of the seals, and a deputy, or journeyman, Speaker of the House of Lords was to be appointed at another, who could say where this was to end, and whether the younger sons of great families might not in time be educated for the chancellorship as they now were for a mitre? So long, however, as the situation of lord chancellor continued to be one of difficulty and of high honour, so long would it continue to be decorously filled, and such men as Nottingham, Hardwicke, and Eldon, would be found,—among whom none was a more learned or a more incorruptible judge than the latter noble and learned lord, although he (Mr. B.) could not help lamenting that defect of his understanding, that proneness to doubt, which he had even heard the learned lord himself deplore, on account of the suitors of his court. Let, then, the doors of the court of Chancery be opened wide, and access be given to all, to this oracle of the law. Let not a turnpike be clapped upon it, in the shape of the vice-chancellor's court, and a toll be exacted. It was this toll—this turnpike nuisance—that he wished to see abated.

Having said thus much of the jurisdiction of the court of Chancery, he would now come to the Appellant Jurisdiction of the House of Lords. He was afraid he was exhausting the House, but this was really a topic of considerable importance. A great deal had been said, about the small number of appeals from the lord chancellor's court to the House of Lords. But what did that amount to? Having once become acquainted with the lord chancellor's decision, it seldom occurred that suitors consulted him a second time in the House of Lords; because his judgments were known to be given so advisedly that he would not hastily change them. The Irish and Scotch alone then were interested in the question of appeals. Upon the latter class much had been said, but the former appeared to him to have been most unaccountably overlooked. The number of Scotch judgments either remitted, or reversed upon appeal to the House of Lords, was certainly very great; but the number of those from Ireland were much greater. He could assure an hon. and learned member who had preceded him in this debate, and who had taken occasion to eulogise an individual holding a high judicial situation in a sister kingdom, that he (Mr. B.) had no wish to speak harshly of any judge; but it did so happen, in respect of the case which had been so fancifully put by his hon. and learned friend who had spoken so well and with so much liveliness on this subject, that the very despatch which formed the matter of his hon. and learned friend's panegyric was a despatch that was attended with no very advantageous, but with very vexatious consequences to the parties interested. This happened to be the precise case with the present lord chancellor of Ireland [hear, hear]; and in looking at the paper which was on the table, he found that almost all the judgments of that noble judge, in one particular year, which had been appealed from, had been reversed by the lord chancellor of England. It seemed that upon an average of ten years, out of 100 appeals from the judgments of the Irish chancellor, 50 of those judgments had been reversed. God knew, after this, it could hardly be said that the question before the house had been raised, or any misrepresentation had been suggested, in a spirit of hostility to this learned and noble lord, of whom he was entitled to say, that in pronouncing judgment he was wrong about once in two times. Such had been the result of the appeals he spoke of, which were heard and considered by the English lord chancellor, assisted by lord Redesdale. Why, such being the fact, and such the different views which were taken of the same subject by these learned and noble lords, it was impossible that the House should not be reminded of the old case, in which it was a question, whether the plaintiff A. was entitled to recover of B., the defendant? One of the bench thought he was so entitled, and stated his reasons for the opinion at great length; but the other judge contented himself with declaring, that, upon the very grounds which his learned brother had laid down, why A. should recover, he himself was thoroughly satisfied that the right of recovery was in B. [A laugh]. So it was precisely with the Irish Appeals. Indeed, so exact a proportion did the reversals of the Irish appeals bear to the affirmations of them, that it was an even chance in every case, whether the noble judge of the sister island was right or not. The hon. and learned gentleman then bore testimony to the great improvement which was visible, of late years, in the selection made by his majesty's ministers of the judges to preside in the courts of Scotland; and to the better conduct of legal proceedings in consequence. He the rather mentioned this topic, because he was convinced that the Scotch judges were generally men of as much probity and honour as could any where be met with; and because all the great men at the Scottish bar happened to be connected with the politics of that side of the House with which he himself usually voted and acted. There was therefore so much the less reason to anticipate such a selection as had been adopted. Nevertheless, he was happy to bear his testimony to the superior degree of liberality and fairness with which they were now chosen by government, as compared with the practice of former years, and in reference to their political principles. Now, the House had been for some time past talking very freely of English courts and English judges; but let it not be supposed that Scotch judges were immaculate, or that they always acted up to that just and wise policy (for it was wise as it was just) which governed their selection. He would gladly hope, indeed, that they were generally actuated by that principle which, to the honour of the English judges, had usually been observed in them, upon coming to the bench;—namely, a total abandonment of all political prejudices and passions. When he first knew the Scotch bench, it was the custom for men of all principles to act differently. They then always seemed to consider as they rose, step by step, that each advance was only the price of some act of political subserviency on their part; and that, as they had been at an earlier period of their lives political barristers, so they were to remain for life political judges.

His hon. and learned friend, the member for Lincoln, had shown that in the court of Exchequer also there were at one time no less than 160 causes in arrear. But the moment that an hon. and learned friend of his (Mr. Martin), in a former parliament, introduced a bill for the chief baron to sit alone in equity, the whole of the arrear was got under, and the consequence was, that there remained in that court very little business to do, and the practitioners would have willingly had a great deal more. And yet equity suitors would not go into it—so great a charm was there in a name, and so great a desire had every one to have the advantage of the lord chancellor's opinion. An arrangement might be made which would make it imperative in suitors to go into this court. Various other arrangements would suggest themselves; but let it not be understood that the present motion suggested any project whatever. All that was asked now was inquiry. He had heard of various projects, but his hon. and learned friend had wisely, in his mind, abstained from alluding to them. He had heard that it was in contemplation to originate a measure on this subject in the House of Lords, which was afterwards to be sent down here. But who could say that such a measure would ever come? The burthen of that proposition he had heard, was to appoint a vice-speaker, on whom would devolve all the appellant business. He had heard, amongst others, lord Colchester named to this office, and the appointment was recommended by the consideration, that it would be attended with no expense, since that noble lord already enjoyed a pension of 4,000*l.* a-year as retired Speaker, and for this he might well hear Scotch appeals.

Mr. *Hume.*—The noble lord has a patent place too.

Mr. *Brougham* said, he was obliged to his hon. friend for suggesting to him, with his usual accuracy, that the noble lord had a patent place also. Was it not very fitting that the House should be consulted on the matter of this vice-speaker's appointment? The chief justice of the court of King's-bench, they knew, held a perpetual deputation of this office of vice-speaker. He (Mr. B.) had pleaded before him in that capacity at the bar of the other House, but, so trammelled was the chief justice by the forms of the House in this respect, and in so unfortunate a situation was he placed in respect of the suitor, that all which he had the power of saying was —that the "contents," or the "not-contents," as the case might be, had it. He called on the House, therefore, for the sake of the people of Ireland and Scotland, to consider whether they would allow a measure to be adopted by the other House, which would prove so greatly detrimental to the rights of suitors, and so baneful to the administration of justice. At present the perfect confidence of the people of Ireland and Scotland always followed the decisions of the lord chancellor. However they might complain of delay, they never complained of an unjust decision. The noble and learned lord decided on the cases which came before him, with a degree of skill and penetration, and in appeal causes from Scotland and Ireland, with a degree of wisdom, which was most extraordinary; considering that to the law of the latter countries, and especially Scotland, the noble and learned lord was, in some sort, a foreigner. Their law, however, he had reformed; inveterate abuses he had corrected, and the Scotch lawyers, however averse they at first were to the suggested reformations, soon perceived their value, acknowledged their expediency, and ultimately adopted them. But the case would be very different if the House of Lords, should think proper to delegate its appellant jurisdiction to lord Colchester, who, though a very good Speaker of the House of Commons, was no lawyer; and, in his opinion, a very bad politician. The noble lord was a very respectable man; but, from the peculiar nature of his pursuits for the last thirty years, to place him at the head of the administration of the laws of two ancient kingdoms in the last resort, would be an act of monstrous, glaring, and grievous injustice to the people of both those kingdoms.

The hon. and learned gentleman concluded by declaring his determination to support the motion of his hon. friend, the member for Lincoln, and by apologizing for the length at which he had detained the house upon this subject. He felt it to be one of the gravest nature, and was convinced that the adoption of the proposed inquiry would lead to the happiest consequences. He called upon the House for no premature decision. All he asked for was inquiry. He wished for the opinions of learned men of all the Bars, and of the respectable solicitors of the different countries. If, in the course of what he had offered to the House, he had felt it his duty, to allude to the noble and learned person at the head of the court of Chancery, it was not from any want of respect towards the noble and learned lord, but from an imperious sense of duty; and such was the high character of the noble lord, that he was sure he would be the very first to forgive whatever had been uttered under such feelings [Cheers, and cries of question].

The *Solicitor-General* said, he felt it his duty, after the many personal attacks which his hon. and learned friend who spoke last had made, to say something, even at that late hour, especially with reference to that much-respected character the Master of the Rolls. Considering the affliction under which that upright judge and able lawyer was labouring, and that his hon. and learned friend had denied any intention of alluding to that individual personally, he thought a conclusion might have been obtained, by other means than those employed by his hon. and learned friend. The number of cases decided in a certain number of years in the Rolls court while sir William Grant presided, might have been compared with the number decided in a similar period by the present Master of the Rolls. The number in the former instance might be found greater than in the latter; but the difference was inconsiderable. At the time the present Master of the Rolls was appointed, there was an arrear of between 4 and 500 cases in the court, and since that nearly 1,000 other cases had come before it. All those, with the exception of about sixty, were now decided; which left an average of between three and four hundred for each year. He therefore thought that, considering the long and severe affliction with which that learned personage had been visited, the harshness of observation which his hon. and learned friend had made use of, might have been spared.—The attack upon the lord chancellor of Ireland was equally unfounded. The hon. and learned gentleman had said, that, out of a hundred decisions come to by the lord chancellor of Ireland, fifty had been, on appeal, reversed; and from that fact, the hon. and learned gentleman had drawn the preposterous conclusion, that it was an equal chance whether the lord chancellor of Ireland decided right or wrong; as if those hundred cases were all that the lord chancellor of Ireland had decided. A similar sort of argument was applied to the appeals from Scotland.—His hon. and learned friend who brought forward the present motion had said, that in what he stated respecting the lord chancellor he meant nothing personal. He would admit that, in terms, his hon. and learned friend had not attacked the lord chancellor personally; but he appealed to the House whether his hon. and learned friend's whole speech was not, in substance, a personal attack on that noble and learned person? What did his hon. and learned friend mean, when he talked of a surreptitious decree obtained from the lord chancellor? In short, the whole debate had been made by the hon. gentlemen opposite, a personal attack upon the head of the law of the country. His hon. and learned friend, the member for Nottingham, had delivered one of the most bitter speeches that could be conceived, but still in terms perfectly polite. He said, that the lord chancellor had a character for doubting, and that merely in legal questions the public had the benefit of his doubts; but, where political questions were concerned then his doubts were laid aside and he decided at once. The Queen's case had then been introduced; and it was stated, that with respect to the removal of her majesty's name from the Litany, the lord chancellor abandoned his ordinary habits of doubting, and decided without delay [hear, hear!]. Honourable gentlemen on the opposite side cheered this; but, if it was not meant to be personal, why, he asked, did they cheer? It was also said, that the lord chancellor had decided wrongly, eight years ago, in the Portsmouth case; and that recently he had introduced some new doctrines with regard to literary property; but the latter in particular, he would most emphatically deny, and would maintain that those doctrines had been strictly consistent with the whole train of decisions on anomalous cases. After what had occurred in former sessions, he did not expect the renewed agitation of this question. The hon. member for Durham had repeatedly brought it forward; and, from the decisions so often come to, he had little expectation it would have been revived in the manner it now was. Formerly documents were moved for. On the present occasion there were none;

and private sources were relied on, upon which scarcely a single comment could be made. He knew the source from which they proceeded; and he could confidently assert, that the letter read and relied on, in the case of Ware and Horwood, was unfounded in fact.—The hon. and learned gentleman then defended the erection of the vice-chancellor's court, and detailed the manner in which the time of the lord chancellor was fully occupied throughout the year, with the view of showing, that if the vice-chancellor's court had not been erected, the whole of the business which had been done in it must now have been hanging as arrears upon the court of Chancery.—He then proceeded to observe, that the only ground for inquiry was, the arrears in the court of Chancery. But the fact was, there was no arrear in the vice-chancellor's court—there was no arrear in the equity side of the court of Exchequer, although slurs had been thrown on some of the venerable judges who presided there—there was no arrear in the Master of the Rolls court. And, what was the fact with regard to the court of Chancery itself? The number of motions during the last ten years had been 20,000; the number of petitions nearly 5,000; and the number of causes between 4 and 500; and the only arrear was about one-tenth of these causes, or what might be considered one year's business out of ten. In this enumeration he omitted the appeals, but he should afterwards return to them. He would now ask his hon. and learned friend, the member for Peterborough, if the arrear just stated in the causes before the court of Chancery, exceeded the usual arrears in the court of Common Pleas or King's-bench? [Mr. Scarlett dissented]. At least, till lately the arrears in the courts at Westminster were equal to the present arrears of the court of Chancery. The sole ground, however, for inquiry was those arrears; and in appeals they amounted to 104, the earliest of which was not of an older date than about the middle of the year 1819. Did these facts warrant an inquiry! He was clearly of opinion that they did not, and should therefore oppose the motion.

Mr. Secretary *Canning* rose, amidst loud cries of "question." The House, he said, might be assured, that at that late hour, and after the length to which the debate had already gone, it was not his intention to add more than a few minutes to it. Nor should he have risen at all; but, after the pointed allusion which had been made to him in the early part of the discussion, he did not think that he should discharge his duty, if, considering the situation in which he stood as colleague of the noble and learned lord who presided in the court of Chancery, he were not to state the impression, which, as the only unlearned person who had spoken on the subject, the discussion had produced on his mind. Those who had heard the debate would at least derive one advantage from it; namely, the testimony which it bore to the talents and eloquence of the English bar. Dry and revolting as were the details, he had never listened with greater attention to any debate, and never was he more amply rewarded by the manner in which it had been discussed. [The right hon. gentleman was here interrupted by loud snoring from a member in the side gallery, and the laughter that followed it]. He could assure the House, that he would most willingly exchange situations at that moment with the gentleman who gave such forcible proofs of his insensibility to all worldly cares. He trusted, however, that ere long they would all be in the enjoyment of that happy oblivion. The case which the House was called upon to decide was the arrears in the appellant jurisdiction, and the delays in the court of Chancery. The subject was therefore naturally divided into those two branches. As to the appellant jurisdiction, the learned gentleman who opened the debate in a speech of great force and ability, had alluded to the part which he (Mr. Canning) had taken in 1813. It was perfectly true that he, as an humble individual, had opposed the erection of the vice-chancellor's court. He had thought it not a good way to set the lord chancellor at liberty, to erect a new court with an appeal to him. He had opposed it on the ground, that any new jurisdiction which was not without appeal would not answer to the fullest extent by setting the lord chancellor at liberty. But if few appeals had been made, he must acknowledge, all prophet as he was (for prophetical the hon. and learned gentleman had been pleased to designate the opinions which he had stated), that great good had been done, though he should undoubtedly still consider any experiment of the same sort as liable to equal objections. But, if he opposed the erection of the vice-chancellor's court at that period, it was no reason why he should wish now to see it demolished. It had once been said by an hon. gentleman, whose illustrations were generally apt, that when an evil existed, to undo it again was not always the way to remove it; for if a man fell out of a window and broke his leg, it would not cure the fracture to throw him back again. So it appeared to him with respect to the vice-chancellor's court. The second ground on which he had opposed the erection of that court was, that the evil complained of existed in the jurisdiction of the House of Lords, and that it was, therefore, in that house that the remedy ought to be sought. So that the whole of the argument of the hon and learned gentleman, by which he wished to prove that he (Mr. Canning) was bound in his vote now, by what he had expressed in 1813, fell to the ground, and formed no argumentum ad hominem which could possibly affect him.—With respect to the other branch of the inquiry, the delays in the court of Chancery, he did not state it as invidious in the hon. and learned mover, and certainly he could not with justice to the other hon. and learned gentleman (Mr. Brougham) impute any thing of the sort to him. He did not believe that there had been any studied unkindness with respect to the noble and learned lord; but this he must say, that, from the whole course and current of the debate, from expressions used (no doubt in the warmth of the moment, and not meant to go to the extent which they did), he was convinced that the House could not go into the inquiry without its being considered, in the eyes of the public and of all mankind, as an accusation against the lord chancellor. Certainly he did not impute to the hon. and learned members for Lincoln and Winchelsea any intention of making such accusation, and he equally acquitted the hon. and learned member for Nottingham of it; though he confessed he found it more difficult otherwise to account for some of his expressions. But though there was no intention of impeaching the judgment, the diligence, the capacity, or the integrity, of that eminent person, yet, as he felt confident that an inquiry would, in the eyes of many persons, be construed into a stain on his character, and thereby tend to neutralize the effect of the high qualities which it was admitted on all hands the noble and learned lord possessed, those considerations would restrain him from giving his vote for the proposed inquiry.—With respect to the appeals in the House of Lords, that House was now employed in devising a remedy, and he therefore did not think that it would be expedient for the House of Commons to interfere. As for the arrears in the court of Chancery, he was assured they were much less than they were universally imagined to be; and as he could not doubt the noble and learned lord's intention to take every means in his power of reducing them, he could not consent to give a vote which would cast any doubt upon those intentions—much less could he give a vote which might appear to call the noble and learned lord's character, judicial or personal, into question.

Sir *F. Blake* asked, if the present question was to be decided by the suitors of the court of Chancery during the last thirty years, where the Noes would be found? He would answer, nowhere. He felt for those suitors. Those who were present might all be in that unhappy predicament before long, and therefore he would most cordially support the motion.

After a short reply from Mr. J. Williams, the House divided: Ayes, 89; Noes, 174. Majority against the motion, 85. The House adjourned at half-past two o'Clock.

List of the Minority.

Allen, J. H.
Althorp, visc.
Anson, Hon. G.
Barnard, visc.
Benett, John
Bennet, hon. H. G.
Benyon, Benj.
Blake, sir Francis
Bright, H.
Brougham, H.
Byng, G.
Calcraft, J.
Calcraft, J. H.
Campbell, hon. G. P.
Campbell, W. F.
Carter, J.
Cavendish, lord G.
Chaloner, R.
Coffin, sir I.
Creevey, T.
Cradock, col.
Davies, T.
Denison, W. J.
Denman, T.
Ebrington, visc.
Ellice, Edw.
Evans, W.
Farrand, R.
Fergusson, sir R.
Glenorchy, visc.
Grant, J. P.
Grattan, J.
Griffith, J. W.
Guise, sir B. W.
Gipps, G.
Hobhouse, J. C.
Hume, J.
Hurst, R.
James, W.
Jervoise, G. P.
Kennedy, T. F.
Kemp, T. R.
Lamb, hon. G.
Lambton, J. G.
Langston, J. H.
Lemon, sir W.
Lennard, T. B.
Leycester, R.
Lushington, Dr.
Leader, W.
Maberly, W. L.
Mackintosh, sir J.
Marjoribanks, S.
Milbank, M.
Milton, visc.
Monck, J. B.

Newman, R. W.
Normanby, visc.
O'Callaghan, J.
Ord, W.
Palmer, C. F.
Philips, G. sen.
Philips, G. H. jun.
Powlet, hon. J. F.
Price, R.
Pym, F.
Rice, T. S.
Ricardo, D.
Rickford, W.
Robarts, G. J.
Robarts, A. W.
Robinson, sir G.
Russell, lord J.
Scarlett, J.
Scott, James
Sebright, sir J. S.
Sefton, earl of
Smith, Robert
Sykes, D.
Talbot, R. W.
Taylor, M. A.
Tierney, G.
Titchfield, marquis of
Townshend, lord C.
Webb, Edw.
Whitbread, S. C.
White, col.
Williams, sir R.
Williams, W.

TELLERS.

Williams, J.
Abercromby, hon. J.

HOUSE OF COMMONS.

Friday, June 6.

RECIPROCITY OF DUTIES.] The House having, on the motion of Mr. Huskisson, resolved itself into a committee on the Reciprocity of Duties,

Mr. *Huskisson* said it now devolved upon him to state shortly the nature of the alteration which he was about to propose in the commercial policy of the country. Although that alteration was in itself most important, and an entire departure from the principles which had hitherto governed our foreign commerce, yet his plan was so clear, and the benefit to be derived from it so obvious, that he trusted he should, in a few words, shew the committee the propriety of adopting it. Honourable members were aware that it had for a long time, indeed from the passing of the Navigation act, been our policy to impose upon cargoes, brought in foreign vessels, higher duties than those imported in British bottoms, and also in many instances to allow smaller drawbacks upon articles exported in foreign, than upon those exported in British ships. Now, whatever might be thought of the policy of such a measure, it was all very well so long as the nations with which we traded acquiesced in it. But when once the attention of those countries was called to it, it was not likely that such an inequality could last much longer. Accordingly it was found that the greatest commercial nation in the world, after Great Britain, and our great rival in trade—he meant the United States of America—finding the pressure of this tax, immediately commenced the retaliatory system, by imposing duties upon all articles imported into that country by British ships. The consequence of this was, that great embarrassment and inconvenience arose in the commerce between the two countries. So much so, that in cases where the increased duties countervailed the freight, it became necessary to have two sets of ships employed; that was, to have British ships bring home American produce, and American ships taking our produce to that country; each being of course obliged to leave its own port in ballast. We however, in order to get rid of this inconvenience, were obliged to place American vessels on the same footing as English with respect to duties; and they, acting upon the system of reciprocity, did the same with respect to our ships. Portugal, finding the success which attended the course adopted by the Americans, soon obliged us to place her on the same footing. In a short time the pressure of this unequal duty began to be felt by other powers also, and steps were taken to adopt the retaliatory system. In July 1821, the United Netherlands passed a law, allowing a premium of 10 per cent. upon all articles imported in Dutch vessels. This was, in point of fact, though not directly, imposing a duty of 10 per cent. upon the cargoes of all other vessels. He was warranted in stating, that the government of the Netherlands, in adopting this regulation, were actuated by a sense of the disadvantage under which the commercial regulations of this country placed them; and that they did so, rather as a warning to us to change our policy, than a wish to establish it as a permanent measure; for he found that, though the law was passed in 1821, it was not to be acted upon until the beginning of 1823. Since that period it had been in operation, and had been strongly felt in the trade of this country with that power. But this was not the only power which had so acted. Prussia had also raised the dues on our vessels, and had intimated, in a manner not to be mistaken, that she would more fully adopt the retaliatory system, if we continued our present policy.—In such a state of things, it was quite obvious, that we must adopt one of two courses—either we must commence a commercial conflict through the instrumentality of protecting duties and prohibitions (a measure of impolicy which, he believed, no man would now venture to propose) or else we must admit other Powers to a perfect equality and reciprocity of shipping duties. The latter, he thought, was the course they were bound to adopt. Its effect, he was persuaded, would lead to an increase of the commercial advantages of the country; while, at the same time, it would have a tendency to promote and establish a better political feeling and confidence among the maritime powers, and it would abate the sources of commercial jealousy. It was high time, in the improved state of the civilization of the world, to establish more liberal principles; and show, that commerce was not the end, but the means of diffusing comfort and enjoyment among the nations embarked in its pursuit. Those who had the largest trade must necessarily derive the greatest advantage from a better international regulation. He had no doubt that when England abandoned her old principle, the United Netherlands, and the other powers who were prepared to retaliate, would mutually concur in the new arrangement. He was prepared to hear from the hon. member near him (Mr. Robertson) that the proposed alteration would be prejudicial to the British shipping interest. In such an observation he could not concur; for he thought, on the contrary, that the shipping interest of this country had nothing to apprehend from that of other nations. The committee would recollect, that when the alteration in the navigation laws was projected, similar unfavourable anticipations were made by part of the shipping interest; but these anticipations proved in the result entirely unfounded. It was quite time to get rid of this retaliatory principle, which, if carried to the extreme of which it was susceptible, must injure every species of trade. One sort of shipping would be carrying the trade of one country, and then returning without an equivalent advantage, to make way for the countervailing regulations of another power, or else to return in ballast. What would the country think of the establishment of a waggon which should convey goods to Birmingham, and afterwards to return empty? The consumer would, he thought, be little satisfied with such a mode of regulating the conveyance of his merchandise. The consequence would be, that there must necessarily be two sets of waggons to do that work which was now performed by one, and that too at a considerable increase of price on the raw material. We were not able to carry on a system of restriction, labouring, as we had been for some time, under many and unavoidable difficulties. Our trade and commerce, it was true, continued to revive rapidly; but they required that we should adopt every measure by which either could be fostered and improved. What he meant to propose was, that the duties and drawbacks should be imposed and allowed upon all goods equally, whether imported or exported in British or foreign vessels; giving the king in council a power to declare that such regulations should extend to all countries inclined to act upon a system of reciprocity, but reserving to the same authority the power of continuing the present restrictions with respect to those powers who should decline to do so. Some jealousy might perhaps be entertained, at vesting in the king in council such a power as that of continuing or removing a tax; but it should be considered, that here was no power of imposing a tax. All that the Crown could do in such a case, would be to continue a restriction where another power declined to act upon a system of reciprocity, or to impose a duty upon vessels belonging to another power, in retaliation for a similar duty imposed by that power. He knew that it intended the king of Prussia to abate his retaliation when England relaxed her regulations. Indeed he had the best authority, that of the Prussian minister in this country, for knowing that such was the intention. That minister had stated, in his note, the principle of his Prussian majesty to be, an admission, "that reciprocal commercial restrictions were reciprocal nuisances, prejudicial to all nations having reciprocal interests, and particularly to those engaged in extensive commerce: and that the policy of Prussia was, to substitute, in the place of reciprocal prohibitions, reciprocal facilities."—The right hon. gentleman concluded by moving:

1. "That it is the opinion of this committee, that his majesty be authorized, by order in council, to declare that the importation or exportation of merchandise in foreign vessels may take place upon payment of the like duties, and with the like drawbacks, bounties, and allowances, as are payable or granted upon similar merchandise when imported or exported in British vessels from or to countries in which no other duties are charged, or drawbacks, bounties, and allowances,

granted on the importation or exportation of merchandise in British vessels, than are charged or granted on such merchandise when imported or exported in vessels of such countries.

2. "That his majesty may be authorized by order in council, to direct the levying and charging of additional duties of customs, or the withholding of any drawbacks, bounties, or allowances, upon merchandise imported or exported into or from the united kingdom, in vessels belonging to any country in which higher duties shall have been levied, or smaller drawbacks, bounties, or allowances, granted upon merchandise when imported into or exported from such country in British vessels, than are levied or granted upon similar merchandise when imported or exported in vessels of such country."

Mr. *Ellice* said, that agreeing as he did with every thing which had fallen from the right hon. gentleman, it was not his intention to enter into the details of the proposed measure. He rose solely for the purpose of repeating a request which he had made last year. He hoped that while the right hon. gentleman was taking off these restrictions, he would take care so to reduce the duties upon the materials used in ship-building, that the British might be enabled to compete with the foreign ship-owner. Take the article of hemp for instance. A duty of 9*l.* or 10*l.* per ton was perhaps not much when hemp was 96*l.* but now, that hemp had fallen to 30*l.* or 40*l.* per ton, the duty was the same. He did not mean to say that the shipping of other countries were exempted from this duty, but only that care should be taken to keep the ship owners of this country on an equal footing with those of other countries. He thought also that returns ought to be made to the House of the manner in which this power was exercised by the king in council, and—

Mr. *Huskisson.*—That forms a part of my measure.

Mr. *Ellice.*—Then I have nothing more to say.

Mr. *Sykes* said, that when he considered that this bill would go to the root of the naval system of Great Britain, and that under the law as it now stood, that navy had flourished and become great, he could not help recommending the utmost caution, before the proposed alteration was adopted. He hoped that, under the impression of such a feeling, it was not too much to ask the right hon. gentleman to permit his bill to stand over until the next session, and to have it in the interim printed and circulated among the shipping interests, otherwise those interested would have no opportunity of being heard respecting their property. He also strongly recommended that government should attend to what had fallen from the hon. member for Coventry respecting a reduction of the taxes affecting the shipping interests, and also relax the excise system relating to contraband goods, to which he had adverted on a former night. There was another subject, which he hoped the committee on foreign trade would sift to the bottom: he meant the abominable charges upon British shipping in the shape of consulate duties; which, singularly enough, always decreased as the consul was situated near Great Britain, and increased according to the distance from the mother country.

Mr. *Wallace* merely rose to express his general concurrence in the resolutions of his right hon. friend. He did not mean to deny, that the system of discriminating duties which this country had adopted had been of advantage, as long as foreign powers were disposed to submit to it; but now, when every country was desirous of affording protection to its own commerce, it was impossible that such a system could continue without producing retaliation. He was perfectly convinced that a system of reciprocity between this and other countries would be found to be the most advantageous that could be pursued. It would not change his opinion of the propriety of his right hon. friend's proposition, to find that it was opposed by the shipping interest; for, in the course of his official experience, he had found, that on every occasion when the ship-owners had come forward to oppose a public measure originating with the government, they were universally in the wrong. With respect to what had been said about the necessity of delay, he must observe, that if the measure was desirable at all, the sooner it was adopted the better. If the ship-owners were hostile to the proposed bill, parliament, he had no doubt, would soon be made acquainted with their sentiments; for he had always found them very ready to state their objections to any measure which had been proposed by him. He believed that the fears which had been expressed of the injury likely to result to the mercantile interest from carrying into effect the views of his right hon. friend were perfectly groundless. The shipping of Great Britain was perfectly able to compete with that of any other country.

Mr. *Robertson* opposed the resolutions, on the ground that, if carried into effect, they would increase the distresses under which the shipping interest at present laboured. He would prove, from documents in his hand, that the shipping interest was not in so flourishing a state as had been represented. In the period from 1821 to 1823, there had been a falling off in ship-building to the extent of 161 ships, and 122,000 tons. In the same period, there had also been a decrease in our navigation, to the amount of 732 ships, 129,000 tons, and 8,000 seamen. Such had been the consequence of the system recommended by political economists. The end of that system would be, to drive the trade of Great Britain into the hands of foreign countries. This was the only country in Europe which was abandoning the system of protecting duties. A few years ago, when America obtained some concessions from us, she wished to obtain similar concessions from France; but the French government would not yield a jot, and imposed a light duty on importations from America, who, in her turn, did the same with respect to France. The views entertained by the president of the Board of Trade might be favourable to the mercantile interests, but they were certainly prejudicial to ship-owners and builders.

Sir *I. Coffin* said, that the hon. member who had just sat down, seemed to entertain serious alarms for nothing at all.

Mr. *Ricardo* said, that the country was much indebted to his right hon. friend (Mr. Huskisson) for the enlightened views he had taken, and the measures he had brought forward, to improve the commerce of the country. Parliament had, at length, begun to find out, that restrictions on commerce were restrictions, not on other countries, but on ourselves. It certainly was a question of policy whether England should take off the duties without receiving reciprocal advantage from foreign powers; but, if foreign powers recognised the same liberal principle, there could be no doubt that the advantage to England would be double the advantage which any other country could derive from the regulation. An hon. member had said, that it would be to his personal advantage to second the principles laid down, but that personal benefits ought to be sacrificed for the good of the navy. Now, with respect to the navy, he had no apprehension whatever. The state of that navy, the facility for building ships, the superiority of this country in that branch of art, the great capital and enterprise of the people, were so many securities, that the navy would not fall into decay. He hoped soon to see Canada deprived of the preference which she enjoyed in the timber trade, and placed, in that respect, upon the same footing as Norway and Sweden.

Mr. *T. Wilson* rose, not to oppose the resolutions, but to express a hope that if the bill to be introduced should be found to operate injuriously to the shipping interests, government would repeal the duties which affected ship-building.

Mr. *Marryat* said, he knew it as a fact, that the duties between France and the United States of America were reciprocal. All the British ship-owners complained of labouring under great disadvantage, and the loud complaints of that body were certainly deserving of attention. It was stated, that five-sixths of the carrying trade between Great Britain and America was carried on in American ships. Now, it was not too much for the ship-owners to expect, that all the disadvantages which the British government could remedy would be removed. He was of opinion that the duty on timber imported from the Baltic ought to be reduced; and with that exemption he would support the principle of the bill. The inconvenience under which the ship-owners laboured from the present system were striking. It was the duty of this country to act upon liberal principles, and to give way in some instances, in order to preserve the commercial interests of Europe, and of this country in particular.

The resolutions were agreed to.

IRISH TITHES COMPOSITION BILL.] On the order of the day for going into a committee on this bill,

Mr. *Dominick Browne* strongly objected to the bill, the provisions of which, he contended, were calculated rather to irritate than conciliate the people of Ireland. He thought it would be better not to press the bill now, but take time to consider the subject; and with that impression on his mind, he must oppose the Speaker's quitting the chair. He should, instead of the House now going into a committee, propose, that the further proceedings on this bill be postponed to this day six months. He had two great objections to the measure in its present shape. The first was to the mode of constituting the vestry, and imposing the tithe. By the bill as it now stood, a majority of the payers of tithe would be taxed without being represented in the vestry. This was one objection which he had to the present measure. The second was, the power given to arbitrators, or assessors, to raise any living one-third of its present value at their discretion. He would rather the tithe system should continue in its present state, than have it thus regulated at the expense of the rights and properties of individuals.

Mr. *Dennis Browne* said, he did not wish to revive angry recollections, but he would say, that the former policy of England towards Ireland was fraught with injustice and oppression. Ireland had a flourishing woollen manufacture, a branch of trade which, if encouraged, would have gone on progressively advancing, and would of itself have been a source of national prosperity. Yet king William promised his parliament to put down that trade; and his majesty kept his word. The Irish woollen manufacture was destroyed, and a fatal blow was thereby given to the prosperity of Ireland. The growth of tobacco was also prevented; and Ireland was prevented from disposing of her wool to any country but England, and to England only at her own price. The hon. gentleman went on to explain the motives which induced the Irish parliament to take away the agistment tithe. The regulations on this head were most objectionable in principle, and would prove most burthensome in operation. He strongly objected to the power being given to the arbitrators, to advance the claims of clergy at their own discretion. The bill was so objectionable, that he should oppose its proceeding any further at present. He thought the measure should rest where it was till the next session, and that a parliamentary commission should be appointed to inquire into the state of the several parishes in Ireland, and to report their observations to the House.

Mr. *Abercromby* said, he was one of those who felt that some of the provisions of the bill were highly objectionable; still he was most anxious that the measure should go to a committee. The bill contained principles to which he never could agree; and if it were not amended, it would be his painful duty to oppose it. The measure, countenanced as it was by every description of persons in Ireland, the rich as well as the poor, had given rise to strong expectations. The duty, therefore, of that House was, to give it every possible consideration. Should they be obliged ultimately to reject it, they would then have the consolation of feeling, that they had done their duty.

Sir *J. Newport* was of the same opinion. He thought if they now stopped the bill, it would have an ungracious appearance. They had not yet reached the clauses which were the most objectionable. He was of opinion they should go through the committee, and render the bill as efficient as possible; and after it came out of the committee, every gentleman would be at full liberty to reject or support it as he thought proper.

Mr. *W. Bankes* disapproved of the bill as it now stood; but, in deference to the Irish gentlemen, he would not oppose its going into a committee.

Mr. *Wetherell* repeated his objections to the measure. If it was at all events to be rejected, he thought it was immaterial at what stage the rejection took place. He should therefore oppose going into the committee.

Mr. Secretary *Canning* said, it was scarcely possible that a measure of such magnitude and importance, involving so many opposite interests, and exciting so many apprehensions, should not be liable to some objections. If the hon. and learned gentleman thought the bill incapable of amendment, the most parliamentary course would be, to suffer it to go through the committee with all its defects, with the avowed intention of opposing it when it should come out of the committee; but it would be most unusual and unfair to strangle the measure in its present stage. If the bill were thrown out in the present stage, the disquietude out of which it had originated would necessarily be increased, and its rejection would not merely be the loss of a good, but a great practical misfortune.

Colonel *Barry* did not think the measure could be rendered acceptable by any modification. If the compulsory clause were abandoned, he should have no objection to the measure, being rendered as unobjectionable as it was capable of being rendered; but, if that clause were persevered in, he should resist going into the committee; for he was satisfied that the measure, so far from having a conciliatory effect, would extend disquietude to every part of Ireland.

Mr. *Peel* said, that his right hon. friend's objection to the compulsory clause was not a valid reason against going into the committee, because he would have a full opportunity of discussing that clause, and stating all his objections to it, in the committee. For his own part, if the compulsory clause were omitted, he would lend his aid in endeavouring to make the bill as perfect as it was capable of being made; but he would not consent to any principle of compulsion, unless the full rights of the church were secured.

Mr. *V. Fitzgerald* not only objected to the compulsory clause, but thought the principle of the bill so objectionable, that even if that clause were withdrawn, he should still feel it his duty to oppose it. He would consent to go into the committee, with the declaration that his objections to the measure were not only unabated but increased, and with the anticipation that he should be ultimately compelled to vote against the whole bill.

The House having resolved itself into the Committee,

Mr. *Goulburn* called the attention of the committee to an amendment which he thought founded in justice. The object of it was, that where tithes had been paid or agreed for, and the sum so paid or agreed for was not adequate to the just claim of the clergyman, it should be in the power of the commissioners to add to their award a sum not exceeding one-third of the amount of the tithes.

Mr. *Calcraft* thought it would be sufficient to give the commissioners a power to add one-fifth.

Mr. *V. Fitzgerald* thought the mode of appointing commissioners so vicious, that he should not consent to give them any discretionary power. The effect of this amendment would enable the commissioners to give the clergyman a compensation for tithes which no one had ever thought of demanding.

Colonel *Barry* said, it would remove some of his objections to the bill, if an appeal were given from the decision of the commissioners, to the lord-lieutenant in council.

Mr. *Goulburn* said, he should oppose any such amendment, because he thought an attempt to reach such a nicety in legislating upon this subject would have the effect of making the bill inoperative. In some parishes there were 2,000 persons paying tithes, most of them low and ignorant men. Now, how could they conduct an appeal? Besides, the lord-lieutenant and council were not accustomed to hear and determine appeals, and were not always sitting. If this amendment were adopted, there would be an appeal in every case where there was a difference between the clergyman and his parishioners, which would add greatly to the expenses of the parties.

Mr. Goulburn's amendment was agreed to.

Upon the clause giving to the umpire the power to fix the amount of composition to be paid by any parish,

Mr. *S. Rice* contended, that the rule by which the rate of composition was fixed, should be the amount received by the clergyman on the average of the last three years. He alluded to the resolutions adopted at a meeting of the noblemen and land proprietors of Ireland, held some time ago at the Thatched-house tavern, and contended that the basis of those resolutions was the same as that on which he now wished to have the present mode of valuing tithes in Ireland established. It should be recollected that the cleryman would gain a considerable advantage by having his present precarious income made certain.

Mr. *Goulburn* protested against the course which the hon. member proposed to adopt. When he proposed to take the last year's receipts as a standard, did he recollect what was the present state of many parts of Ireland? the difficulty there had been in collecting any tithe at all, and how unnaturally the incomes of the clergy had, in many instances, been reduced? He denied that the resolutions adopted at the Thatched-house tavern would bear the construction put upon them by the hon. gentleman. Those resolutions stated, that, for the tranquillity of Ireland, it was desirable that, for the present precarious income of the clergy, a certain equivalent should be given them of the full value of their tithe. Now, a full equivalent must mean something equal to what they were entitled to under the law: it never could be meant that the precarious income of the last year or two was to be taken as the standard of full equivalent.

Sir *J. Newport* said, that the object of those who agreed to the resolutions which had been adverted to, was, to give to the clergy a certain, instead of a precarious income, and that in such a manner as not to set the clergyman and his parishioners in opposition to each other. When the right hon. getleman talked of the reduced incomes and deprivations of the clergy, he should not forget the deprivations which the landlords had suffered, and the reductions of rents which they had been obliged to submit to. The proposition of his hon. friend only related to compensation to the clergyman, and not to future composition, which was to be fixed on the average of the last seven years, and would give to the clergy an income far above the standard of the present price of corn.

Mr. *V. Fitzgerald* thought the clergy would obtain a great advantage by getting security for their incomes on the land of Ireland, instead of precarious payment as at present, from an insolvent peasantry.

Mr. *Dawson* objected to the proposition. Did the House know what at present was the state of the South of Ireland, and of the clergy in that part of the kingdom? He had that day received a letter from an individual in that quarter, upon whose statements he could rely: and, amongst other instances, the writer stated, that the clergyman of a parish valued at 800*l.* a year, was now in a state of great distress, having 7,000*l.* due to him for tithes. In another parish, valued at 1,200*l.* a year, the clergyman was in the same situation, and was now deliberating whether he should or should not throw up the living. The writer of the letter himself, who was the incumbent of a living estimated at 1,400*l.* a year, had, in the last year, received no more than 160*l.*, and had several thousand pounds due to him for arrears. Under this state of things would it be just, to estimate the amount of compensation upon the receipts of last year?

Mr. *S. Rice* had never contended that the value of the living was to be estimated upon the receipt of last year; but in speaking of compensation to a man for what he had never had, he contended they were not called on to give a compensation for what it was not likely the clergyman would ever recover. He would give as much in the case of the 7,000*l.* arrears mentioned by the right hon. gentleman as the 7,000*l.* was fairly worth.

Mr. *Peel* condemned this mode of valuing compensation, as cruel and unjust to the clergyman.

Mr. *Grey Bennet* said, that a three years' average out of the last seven years might be so selected, as to give a much higher price of corn than we could look to have kept up in future. If the landlords of Ireland could be brought to agree to such a contract, he had only to wish them joy of their bargain.

Mr. *Ricardo* thought the composition should be regulated every three years, and that such regulation should be fixed on the average price of corn for the last three years.

The clause was then agreed to.

On the clause for regulating the mode of the award by the commissioners,

Colonel *Barry* proposed, that a right of appeal should be allowed to persons who paid 5*l.* in tithes, if dissatisfied with the award, to the lord lieutenant in council.

Mr. *Wetherell* felt objections to placing these new powers in the commissioners, and was still more opposed to giving so large a power to the appellant jurisdiction with which the lord lieutenant, with his council, was to be intrusted. He considered that those powers were at variance with all the existing laws for the regulation of church property.

Mr. *Plunkett* said, that examples of arming the Irish government with a similar power might be found. The lord lieutenant and his council were the court of appeal for cases in which salvage, which had been awarded by the parish officers for useful service in rescuing from shipwreck, should be called in question. They had the same power in the case of minister's money and in several others. He thought the appeal was necessary to prevent the corruption or misconduct of the commissioners of award.

The clause was agreed to. The next clause proposed was that which has been termed the compulsory clause. The object of it was, in cases where the vestry and the minister differed as to the appointment of an umpire, to empower the lord lieutenant to appoint a commissioner to make a composition, according to the quantity and value of the land in the parish.

Colonel *Barry* objected to this clause, because it would convey to men who were not likely to be well qualified, the power of judging in all questions of tithe many of which involved nice and subtile points of law.

Mr. *S. Rice* strongly objected to this clause, which went to give the clergy their extreme rights, and greatly to extend their present incomes. In cases where the clergy were to pay, this question of extreme right was never heard of; but where they were to receive, it was never forgotten. If they were to be paid their extreme right, it was the duty of the House to call on them to do all which the tithe was granted for. He especially alluded to their duties as regarded the education of the poor. It had been the intention of the present lord Maryborough, had he remained in office, to have proposed the imposing a duty of 2½ per cent. on the incomes of the clergy, to raise a fund to be applied to educating the poor. He would take the sense of the House upon this clause of the bill, and hoped that not a single Irish member would be found to vote for giving this extreme right to the clergy.

Mr. *Hume* wished to know if it was intended to introduce a clause into the bill, declaring that no clergyman should be entitled to composition who did not reside on the living?

Mr. *Goulburn* replied, that he had no such intention at present. The bill was already sufficiently incumbered with provisions, and there were besides other reasons which rendered it inexpedient to add regulations upon a subject which could not be said properly to belong to it. Nobody could be more anxious than he was to enforce the residence of the clergy of Ireland. During the short time he had been in that country, his efforts had been directed to promote so desirable an object; and although he would not pledge himself to take any particular steps at present, he was convinced that some such measure was necessary to secure the permanent improvement and amelioration of the people.

Mr. *W. Bankes* said, he must object to this clause, which went to constitute the lord lieutenant in council a court of equity.

Mr. *V. Fitzgerald* objected to the clause, which, in two-thirds of Ireland, would give to the clergy a payment of tithe never contemplated. The bill, in its present state, would endanger the very existence of the Established church, and, instead of a measure of conciliation, be one of irritation.

Mr. *Wetherell* opposed the clause, because it would compel the government to take in some cases a bad title, and yet give to the clergyman a larger tithe than he would otherwise have had.

Mr. *C. Grant* thought great credit was due to the government, for having originated this measure, which would go far to alleviate one of the greatest evils with which Ireland was afflicted. He objected, however, to that part of the compulsory clause, which would give the commissioner the power to enforce the full legal tithes.

Mr. *Goulburn* said, there were two questions before the committee; namely, whether they should adopt the amendment, or resist the clause altogether. To adopt the amendment would be dangerous, as it would be to adopt a principle which might be applied to other species of property. It would be better to leave out the clause altogether.

Mr. *Abercromby*, though he was a friend to Catholic emancipation, was no friend to Catholic ascendancy. If this clause should pass, he agreed that the Protestant ascendancy in Ireland was not worth five years' purchase. He objected to it, but approved of the bill. He hoped some arrangement might be come to, which should send it forth as a relief to the clergy in Ireland.

Mr. *Peel* was desirous that the compulsory clause should be omitted altogether. If he were asked, whether he wished for a commission to estimate and to give to the clergy the full value of their dormant rights, he replied at once, that he wished for no such thing. But he was opposed to the compulsory clause upon principle.

The Committee divided: For the Amendment, 39. Against it, 84. The clause was then agreed to, and the House resumed.

HOUSE OF COMMONS.

Monday, June 9.

SILK MANUFACTURE BILL.] On the motion of Mr. Huskisson, the report of this bill was brought up. Counsel were then called in, and Messrs. Adam and Wilde appeared at the bar as counsel, and were heard against the bill. As soon as they had concluded, Mr. Huskisson moved, "That the Amendments made by the Committee to the Bill be now read." Upon which,

Mr. *Fowell Buxton* rose and said, that feeling a sincere interest for the welfare of the population affected by the present bill, he should trouble the House with a few remarks upon it. He would not, he said, follow the example of the learned counsel, who had just been heard at the bar of the House, by going into the question of the merits of the bill upon the principles of political economy; not only because he felt himself unequal to the task, but because a different question now presented itself; namely, whether the petitioners against the measure should be allowed to prove their case by evidence before the measure was carried further? It was indeed objected to the petitioners, that the bill did not rest upon disputed facts, but rested on admitted principles of political economy; but, when the matter under investigation was one on which the petitioners felt that their very subsistence depended, it was rather hard to say to these poor people, that they should lose their bread by principles of political economy. They knew nothing of those principles; but if they did, they might submit to the House, that it had itself not been over consistent in its observance of those principles. The laws, as they now stood, had been framed during the last reign, and, no doubt, upon what were then deemed "the soundest principles;" and it seemed strange to the petitioners, when they were told, that the "soundest principles" now called for their repeal. The petitioners also begged humbly to represent, that they had seen the greatest fluctuations, as to what the "soundest principles of political economy" were. And indeed the House must know, that certain principles of political economy were acted upon some fifty years ago, and which were then undoubted, until Adam Smith gained great credit by overturning them; and recently they had heard his hon. friend, the member for Portarlington (Mr. Ricardo), combat the doctrines of Adam Smith in many particulars, with a clearness and force which had certainly persuaded him (Mr. F. Buxton) of his hon. friend's correctness. The petitioners, therefore, were certainly entitled to ask, what security there was, that some future system of political economy would not overturn the system of his hon. friend, which had overturned the system of Adam Smith, who, in his day, had overturned the system of those who had gone before him? What was right, he could not pretend to say. On the one hand, he saw united together, men who maintained, by general reasoning of great cogency, that the very petitioners would be benefitted by the repeal: on the other hand, he saw the petitioners who ought to know something of their own interest, positively declaring, that the repeal would be their ruin. Between them he would not pretend to decide; but would move that the question be referred to a committee. The petitioners had as yet never been heard at all; and they respectfully submitted to the House, that if allowed to produce evidence, they should be enabled to establish a case sufficient to show, that the existing laws ought to be allowed to remain. Some facts, however, which bore on the measure before the House had been elicited by a committee which sat on a subject connected with the present; namely, the petitions of the Coventry silk-weavers in 1817. No working weavers, but some master manufacturers were then examined. The town-clerk of Coventry was asked the amount of the poor-rates in that city—Answer, 19*s.* in the pound. The treasurer of Spital-fields was asked the amount of the poor-rates there—Answer, 6*s.* in the pound. The Spital-fields weavers therefore might justly say, "You tell us the acts under which our trade is established makes us paupers. What is the fact? Our poor-rates are only one-third as much as those of the independent weavers of Coventry." Again, it was inquired by the committee, what was the ordinary amount of a silk-weaver's earnings per week at Coventry?—Answer, from 5*s.* 6*d.* to 10*s.* per week. What was the ordinary amount of a silk-weaver's earnings per week in Spital-fields?—Answer, from 14 to 15*s.* per week [Hear]. The Spital-fields weaver might therefore say, "You tell us the tendency of free competition is, to raise our wages. What is the fact? Our wages are double those of the silk-weavers at Coventry." And yet it was asserted, that the bill which would deprive them of those earnings and place them on a scale with the Coventry weavers, would be a benefit to them! He also begged of the House to consider, what, if the petitioners were correct, would be the moral effect of this measure. It would tend to pauperise the working population of Spital-fields. It was proved before the committee in 1818, that the weavers of Coventry received half their support from their employers, and the other half from the parish. In Spital-fields, the workmen were paid entirely by their masters, and were therefore relieved from the moral deterioration which the system of paying wages out of the poor-rates produced. The low wages of Coventry had produced the system of what was called half-pay apprenticeships, which, as was well known, had given rise to the most frightful profligacy and vice among the young persons thus employed. Now, nothing of this kind was to be seen in the population of Spital-fields, than which a more moral and industrious manufacturing population did not exist among the working classes. So convinced were the committee of 1818, of the evils attending the system adopted in Coventry, that they actually recommended the extension of the Spital-fields act to that place, as the only remedy that could be devised. This was the opinion of the committee of that House, even without hearing the Spital-fields weavers; for they had, as yet, never been heard at all. It was a maxim of the Roman law, that he who decided without hearing both parties, was wrong even when he was right; for he did a wrong to the parties, even when he was correct as to the facts. Upon these grounds, he should, without giving any opinion on the merits or demerits of the bill, move, "That it be re-committed, for the purpose of being referred to a select committee."

Mr. *Huskisson* said, that he might admit the whole of the facts stated by the hon. gentleman, and also by the learned counsel at the bar, and yet oppose the amendment. It was said, that the bill would have the effect of increasing the poor-rates, by throwing the weavers upon them for part of their subsistence. Now, if the poor-rates had not been increased much in Spital-fields, it should be recollected, that the weavers there, in periods of distress, had received very considerable assistance from the public purse. But he was prepared to contend, that, if the present regulations were continued, instead of rendering the weavers partly dependent on the poor-rates, they would make them entirely so, by depriving them of all employment. It could not be denied, that if there existed a competition in any part of the country, by which the work could be done for half the price paid in London, the effect would be to deprive the masters in London of all business, and of course the workmen of employment. They would therefore be in a worse situation than the weavers in the country; for, undoubtedly, the business would be transferred to that part of the country where it could be done cheapest. This had been already the case in several branches of the trade, in which competition had been raised in other parts of the country. As soon as it was known that such competition existed, a dispute arose between the masters and the journeymen; it was then referred to the magistrates who would not interfere, but suffered the book of rates to continue according to the regulations of the act. The consequence generally was, that the particular branch of business in which the competition arose, was lost to the metropolis, and transferred to that place where it could be done cheaper. And so it would ultimately be with the entire of the silk trade, if the present regulations were allowed to remain. He contended, that if regulations fixing the rate of wages higher in the metropolis than in other parts of the country, were allowed to continue, the result would be, the introduction of evils to the workmen themselves which no poor-laws could remedy. If the rate were to be fixed in London, why not extend it all over the country? But, for such a general extension, he was satisfied no person would contend. Under these circumstances, he would object to going into a committee; since the facts likely to be proved in it would not affect the principle of the bill.

Mr. *Ellice* said, he would not go into an inquiry into the principle of the bill, but he thought there were some facts connected with it, upon which the House ought to have information before it proceeded further. He would admit, that it was an unwise principle to regulate the price of labour; but parliament had regulated the price of bread and other articles; and if one such regulation was to be done away with, so ought all. If the Spital-fields acts ought to be repealed, many others ought to be repealed also. On all accounts, if it were only to obtain the peaceable assent of the artisans in the metropolis, who were by no means the unthinking uneducated people the right hon. gentleman imagined them to be, he implored him to allow the whole matter to be again brought under consideration in the ensuing session.

Colonel *Wood* wished the measure to be postponed till next session. It had been his fortune to command, for a number of years, a regiment of militia, which was chiefly supplied with recruits from Spital-fields. Now, several of the men who had served under him had requested him to say a few words in their behalf. He had, therefore, great pleasure in stating, that, as far as his knowledge of them extended, a more honest, respectable, and well-conducted set of men did not exist.

Mr. *P. Moore* complained of the manner in which it was attempted to hurry this bill through the House. He had not had time to read over the evidence which had formerly been collected upon this subject, neither, he believed, had the right hon. gentleman. He trusted that he would allow the bill to be fully deliberated in a committee next year.

Mr. *T. Wilson* was of opinion, that the repeal of the Spital-fields' acts would be beneficial to the weavers and artisans generally. Still he thought that, under all the circumstances of the case, it would be advisable to allow the bill to go to a committee above stairs.

Mr. *Hume* said, that if he could persuade himself that any fresh information could be afforded upon this subject, he would have no objection to go into the committee. But, what information could they get by such a proceeding, which they were not already in possession of? He was convinced that it would only be a waste of time to take the evidence of the weavers themselves; and, as to the evidence of the master manufacturers, the House had it already, and one and all of them called for the repeal of these impolitic acts. With regard to the argument raised upon the statement that the weavers had never applied to the poor-rates for relief, he should merely observe, that the evidence attached to the report on the poor-laws distinctly proved that statement to have no foundation in fact. He agreed with the right hon. gentleman opposite, that these acts had not promoted the manufactures of Spital-fields.

Mr. *Bright* was of opinion, that inquiry was never more called for. What was asked for was merely inquiry. And, ought the House to refuse it merely because some persons talked largely about the principles of political economy? The hon. gentleman then entered into some details to show the disturbances that had prevailed at Coventry and in Spital-fields, before these acts for the protection of the workmen were passed. Distress, confusion, and discontent, might be the result if these acts were repealed. The trade of Coventry would be removed to London, and it would be easy for a few dissolute men to breed disorders in the metropolis. Whether there were not some regulations in these statutes which required alteration he would not decide; but if so, that was an additional motive for sending the whole subject to a committee.

Mr. *Ricardo* was as anxious for inquiry as any member, in cases where it was at all necessary; but, admitting all that the opponents of this bill stated they could prove, it would not change his opinion. If these acts were indeed so beneficial, they ought to be adopted all over the country, and applied to every branch of manufacture; but the question was, whether labour should or should not be free? The quantity of work must depend upon the extent of demand; and if the demand was great, the number of persons employed would be in proportion. If these acts were repealed, no doubt the number of weavers employed in London would be greater than at present. They might not, indeed, receive such high wages; but it was improper that those wages should be artificially kept up by the interference of a magistrate. If a manufacturer was obliged to use a certain quantity of labour, he ought to obtain it at a fair price. It had been said, that the weavers of Spital-fields received very little from the poor-rates. True. And why? Because there was so little to be distributed among them. Very little could be raised in the parish; and sometimes, when great distress prevailed, resort had actually been had to government, for large sums for the relief of the poor. An hon. member for Bristol had talked about political economy; but the words "political economy" had, of late, become terms of ridicule and reproach. They were used as a substitute for an argument, and had been so used by the hon. member for Weymouth. Upon every view which he could take of the subject, the bill would be beneficial both to the manufacturers and the workmen.

Mr. *G. Phillips* supported the bill. He thought that ministers deserved the highest praise whenever they had the manliness to break through any of the absurd regulations which fettered our commerce.

Mr. *Brougham* said, he did not wish to give a silent vote upon this question, lest the grounds of that vote should be misunderstood. He approved highly of the principle which went to the repeal of the acts—acts which, he was most willing to allow, were framed upon no sound principles, and the continuance of which he felt convinced would do no good, either to the workmen or their employers. But he would have the House to consider that these acts, erroneous and mischievous as they were, had been acted upon for half a century. When this had been the case—when the people who were most deeply interested, and who had for so long a time adopted and regulated themselves, not by their own error, but by the error of the House itself; when they came to pray that those errors should be continued, or at least inquired into, it would be but fair to hear them. To go into the inquiry, therefore, would be a point of policy, for he did not think that that inquiry would be fatal to the measure; and he would recommend it just for the purpose of carrying that measure into effect in such a way as to secure the hearty approval of all parties. If the measure were to be hurried in the meantime, and without inquiry, that would not, he feared, be the case. When a large class of persons had prejudices—he would call them prejudices, and admit that they were not well-founded—had come to the bar of the House, and not only been heard by their counsel, but had prayed to give in evidence, he was of opinion that it was neither justice to them nor to the question itself, to dismiss them with half an hour's speech at the bar, without allowing them the proof they had offered. The effect would be, to send them away disappointed, and to confirm them in those prejudices which a full and careful inquiry might have removed.

Mr. *W. Smith* thought that the inquiry should be gone into, even though it should delay the measure till next session.

Mr. *Monck*, though friendly to the principle of the bill, thought it ought not to pass unless accompanied by the repeal of the combination and emigration acts.

Mr. *Byng* would vote for the committee as he did not think that a delay beyond a week would occur.

Mr. *C. Grant* observed, that from the arguments advanced by the various advocates for the committee, it was evident that it would be impossible to finish its inquiry that session. The mere appointment of the committee would operate with respect to the bill as an adjournment, sine die; and that was a course which he could not agree to. It had been said that his right hon. friend, in submitting the present bill, had founded it on principles of political science, and not on any practical effects as to the manufacture in Spital-fields. Now, he could assure the House, that in the repeated communications which his right hon. friend had with the master manufacturers, he had grounded his arguments for the repeal of these acts on facts alone. With respect to the argument founded on the absence of distress amongst the Spital-fields manufacturers, he held in his hand a resolution of the benevolent committee of that district, which stated the extent of the distress at one time to be so great, that 24,000 workmen were unemployed, and taking their families at the rate of two each loom, the calculation made the number of sufferers 48,000.

Sir *J. Mackintosh* said, he was disposed to vote for the committee, not for the sake of obtaining further information, for he wanted none—not against the bill before the House, for he was friendly to it; but simply on the principle of conciliation towards those who, under a misconception of its effects, thought their interests were injuriously affected by it. He would accede the committee in condescension to the feelings of that large class of persons. But, if he thought its appointment would have the effect of postponing the bill till next session, he would not vote for it; because he was convinced the result of such a momentary attainment of their object would only continue the existing irritation, and renew future opposition to a measure which he felt ought to be carried into effect. Should a committee be granted, he trusted that by a wise selection of its members, and by framing the instructions so as to limit the object of inquiry, the House would guard against such a result.

The House divided: For the Committee 60. Against it 68.

List of the Minority.

Abercromby, hon. J.
Bankes, H.
Brougham, H.
Bennet, hon. H.
Benett, J.
Bernal, R.
Byng, G.
Bright, H.
Beresford, sir G.
Calvert, C.
Calvert, N.
Calcraft, J.
Cripps, J.
Campbell, —
Cooper, B.
Curwen, J. C.

Denison, J. W.
Ebrington, lord,
Farrant, R.
Gurney, H.
Glenorchy, lord
Grant, J. T.
Grattan, J.
Hutchinson, C.
Heber, R.
Houldsworth, T.
Hamilton, lord A.
Honywood, W. P.
Irving, W.
Jones, J.
Kennedy, T. F.
Knatchbull, sir E.

King, sir J. D.
Leader, —
Lennard, T. B.
Mundy, E.
Mansfield, J.
Moore, P.
Mackintosh, sir J.
Monck, J. B.
Maxwell, J.
Nolan, M.
O'Grady, S.
Pitt, J.
Pelham, J. C.
Robertson, A.
Smith, R.
Smith, W.
Sumner, H.
Tulk, G. A.
Wood, M.
Wood, col.
White, L.
White, col.
Whitbread, S. C.
Westenra, hon. H.
Williams, J.
Williams, sir R.

TELLERS.

Buxton, T. F.
Ellice, E.

LEEWARD ISLANDS—FOUR AND A HALF PER CENT DUTIES.] On the Order of the day for the House to resolve itself into a Committee of Supply being read,

Mr. *Creevey* rose and said, that according to a notice he had given, he should object to any further supply being granted, until the House had decided upon a grievance which he was now about to submit to them. That grievance was the duty of four and a half per cent which was levied exclusively upon all the commodities of the Leeward Islands. Upon former occasions when he had brought this subject before the House, he had done so upon the ground only of the misapplication of this fund. He had shown on those occasions, that this fund had been created by laws of the colonies which were still unrepealed, and for public specified colonial purposes, and yet that, in defiance of such laws, this fund was now pretty nearly absorbed in pensions amongst the higher orders of persons in this country; and he had sought the restitution of the fund to the original purposes for which it was created. Events, however, had happened in the present session which induced him to take a new course upon this subject. He held in his hand five petitions which had been presented during this session, from the Colonial Assemblies of each of the Leeward Islands, Barbadoes, Antigua, St. Kitts, Nevis, and Montserrat, and which, with the permission of the House, he would read, condensing the substance as much as he could [Here the hon. member read the petitions]. He would ask the House, if stronger pictures of misery could be drawn, than those in their petitions? And he called upon them to observe, that this impost of 4½ hogsheads in the hundred out of all their sugar, with the same proportion out of all their rum, and all other commodities of the Islands was particularly stated in each petition, as a great additional aggravation of their misery, because it was levied exclusively upon their Islands, whilst Jamaica and the other old islands and all the new settlements in America, such as Demerara and others were entirely free from it. Could any thing be more unjust than this partial tribute, in addition to all other their contributions to the parent state, and when we recollect too how this tribute on sugar and rum were disposed of in pensions to persons of rank in this country, he really could not think how such persons could sleep in their beds, after reading or hearing the petitions which he had that night read to the House. Under all the circumstances, then, of the oppressive nature of this tax, and above all, of its partiality and present application, instead of moving that it should be applied in the manner prescribed by the act creating it, he would induce the House, if he could, to pronounce an opinion, that the tax or tribute ought to be abolished altogether. In doing this, no one knew better than he did the difficulties he had to contend with. The petitioners of Antigua, when they say they fling themselves upon the "magnanimity" of parliament, could never have imagined, poor people, that they were preferring their petitions to their own pensioners. The majority of those Islands state in their petitions, that they have made their complaints to the king's government repeatedly, but all without effect. Why, they are not aware, perhaps, that the right hon. gentleman opposite (Mr. Canning) the manager for the king's government in that House, had himself taken a pension of 500*l.* per annum out of the sum for certain branches of his family about twenty years ago, and who has enjoyed it ever since. That the right hon. President of the Board of Trade (Mr. Huskisson) had selected the same sum for a jointure upon his lady, in the event of her surviving him; and that the oldest privy councillor of his majesty in that House (sir Charles Long) had enjoyed a pension of 1,500*l.* per annum out of this fund for upwards of twenty years, and thus realising about 30,000*l.* sterling out of the sugar and rum of these devoted colonies. Under such circumstances, the king's ministers, either in that House or out of it, were not the most obvious tribunal for these unhappy Islanders to appeal to. Not but what, in other parts of their conduct, these same ministers afforded proof enough that the miseries of the colonies were perfectly well known to them. When the competition between the West-India colonies and our possessions in the East Indies were the subject of discussion, then the king's government were full of compassion for the West-India colonies; then they insisted that the distress of the latter was so great, from the depreciation of its produce and expense of cultivation, that they put a duty of 15*s.* a cwt. upon East-India sugar as a matter of favour and justice to the West Indies. Thus making the public consumer pay this additional duty for his East-India sugar, but entirely overlooking the relief to be afforded by the abolition of their own pensions upon the Leeward-Island produce. There was another notable proof that the government were well instructed in the ruin of these Leeward-Islands, for the fact was, the depreciation in the value of colonial produce had become so great, and the pensioners upon the Leeward-Island fund had become so crowded, that the duty of 4½ per cent raised out of the produce of all the Leeward Islands was no longer sufficient to pay these pensioners the full amount of their pensions, and accordingly it appeared by a return to that House of the application of the droits of Admiralty, and which he then held in his hand, the Leeward-Island pensioners had had the modesty to help themselves to no less a sum than 13,000*l.* out of these droits, in order to make up for the deficiency in the other fund. And here he must be permitted to doubt the legality, as well as decency and justice, of the latter proceeding. The charge of the Leeward-Island pensioners was a charge *in kind;* they were pensions on sugar and rum; the pensioners those that fund themselves; they were like Shylock and his bond; and they had no right when that fund became depreciated in value, to help themselves out of any other, for the purpose of making up the difference. But there was no such artist as your pensioner. He always knew how and when to turn himself. What a contrast was exhibited in the present case between the skill of these unhappy Leeward-Island planters, and their own pensioners. There was another class of pensioners upon this fund, to whom it was his duty to advert; and in doing so, it was his wish and intention to show every mark of respect that was due to the rank of the parties; but it was the rank of these pensioners, which, in fact, made a great part of his case, because it constituted the great difficulty of removing them. The petitioners, for instance, tell us that they have applied for redress to his Majesty, as well as to his ministers, and as we know, with the same success. Why, they were not aware, perhaps, that his majesty had granted a pension of 1,000*l.* per annum out of this fund to his sister the princess of Hesse Homberg, and another to the same amount, to his sister the duchess of Gloucester. Now, he must say, without meaning the least personal disrespect to any of those illustrious parties, that when he recollected the great parliamentary provision which had been made by the nation for those princesses, and the enormous civil list enjoyed by his majesty, he must be permitted to think, that any act of bounty from his majesty to his royal sisters, ought to have flowed from his own privy purse; and then these devoted planters of the Leeward Islands should have been spared the honour of contributing pensions to these illustrious ladies. Again, there were five pensions of 500*l.* a piece to the five Miss Fitzclarences, and he must observe, a second time, that after all the nation had done for the duke of Clarence, it was his opinion, that that illustrious person ought to provide for the maintenance of his own children, instead of leaving them to be supported exclusively by the Leeward Islands. Having stated all the facts which he conceived to be necessary on this occasion, he asked the House, if they would, or would not, take such a case into their consideration; and if they refused so to do, he then trusted, that at all events, we should hear no more jokes from the right hon. gentleman (Mr. Canning) upon the subject of parliamentary reform. It would be impossible for him ever again to take the field with his "Red Lion," or "King of Bohemia." The cause and ground of his attachment to that House, composed as it now was, would be too obvious; and in short, after refusing to listen to such a case as this, that House might continue indeed to preserve the name of the representatives of the people, but all the world would pronounce it to be no other than a private and interested corporation, providing for and supporting its own members or their families, by every means within their reach, at home or abroad, belonging to these kingdoms. After observing, that he had preferred bringing forward the present question as a grievance before the business of supply, to bringing it on as a separate order, that course having been constantly pursued in the days of our ancestors, and the question of supply being truly the proper introduction to the mention of grievances of every description, the hon. member sat down by moving, by way of amendment, the following Resolutions, in which he had endeavoured, he said, to embody the petitions of the persons in whose behalf he proceeded:—

"That it appears to this House, by petitions presented to it this session, from the Colonial Assemblies of each of the Leeward Islands, that the planters and proprietors in those colonies are, from various causes, reduced to a situation of distress and misery, which, if not relieved, must shortly terminate in their utter ruin.

"That in the Petition from the Island of Barbadoes, the Petitioners state, 'that were they to go into a detail of their distresses, they could furnish ample and melancholy proofs thereof in ruined families and individuals, multiplied sales of estates, and the straitened and unhappy condition of all who are solely dependent upon West-Indian resources, and that fluctuating as the prosperity of those Colonies has undoubtedly been, yet the present calamitous depression is beyond all former precedent, and much greater than on those occasions when parliament did not hesitate to investigate the circumstances which produced the evil:'

"That in the Petition from the Island of Antigua, the Petitioners state, 'that they are reduced to such an extremity of distress, that actuated by the uncontrollable impulse of self-preservation, they can no longer refrain from throwing themselves on the wisdom, liberality, and enlightened feeling of this House, and they pray for such relief as to such magnanimous councils may seem expedient and proper:'

"That, in the petition from the island of Montserrat, the petitioners state, that, 'unable any longer to contend with their difficulties, or to ward off, unassisted, the ruin with which they are threatened, they feel themselves under the imperious necessity of appealing to this House, to take into its consideration the miserable condition of that once flourishing, but now declining, colony; that they have, with the utmost concern, received intelligence of the unavailing representations made by their friends and connections in the mother country to his majesty's ministers; and, whilst they express their regret on the rejection of the proposed modes of relief, beg to refer the House to them, as the only efficient means of rescuing from inevitable destruction that valuable part of his majesty's dominions:'

"That in the petition from the island of Nevis, the petitioners state, 'that the period has at length arrived when a silent submission to the unprecedented distresses which now overwhelm that unfortunate colony would become a crime in any class of subjects enjoying the rights and privileges of the British constitution; and that as a respectful appeal to this House is still open to them, they eagerly avail themselves of this last effort for the preservation of all that is most dear to them in this world; that the petitioners have not failed to submit to his majesty's ministers a statement of the grievances under which they labour, but that disappointment has been their only reward for every such representation, and they have now only to implore the benevolent interposition of this House:'

"That in the petition from the island of St. Christopher's, the petitioners state, 'that the distress to which that colony is reduced hath reached that extreme point when silence is impossible, and when a respectful representation to this House is become the ultimate means of self-preservation, that the progressive steps by which this desolation has overwhelmed them, have from time to time been laid at the foot of the throne of our gracious monarch, and been made known to his majesty's government, and that the interference of this House can alone extricate the petitioners from the most severe pressure of the difficulties which beset them:'

"That it appears to this House, that one grievance amongst others complained of in each of the foregoing petitions is the tribute or duty which is exacted from these islands of four hogsheads and a half out of every hundred hogsheads of their sugar, with the same proportion from their rum, and all other productions of the islands, and that such tribute or duty being exacted exclusively from these 'devoted' islands (as they are termed by the petitioners from St. Christopher's) whilst all the other colonies, old as well as new, are free from it, is most partial and oppressive:

"That it further appears to this House, that this partial and oppressive tribute from the sugar and rum of the leeward islands is converted, for the most part, into pensions for persons of the higher orders in the mother country, including even members of the royal family, ministers of the Crown, members of both Houses of Parliament, their families or connections, and that under the present deplorable condition of the Leeward islands, the further exaction of this tribute from them is a scandal upon the mother country, and an intolerable grievance upon these colonies, which this House, appealed to as it has been, is alike bound, in honour and justice, to see removed forthwith."

Mr. Secretary *Canning* said, that the question consisted of two parts. The first affected the right of the Crown to this particular branch of revenue; the second, affected the right of the Crown to appropriate it in any manner which might be deemed suitable by his majesty's government. These topics had been frequently discussed within the walls of that House, and on each occasion both of these rights had been affirmed. He admitted, that the present state of the West-India islands was such as to make the House desirous of affording to that interest all practicable relief; yet it was also clear, that when the tenure of the fund was considered, no argument could be derived from the manner in which it was applied, as a ground for its abolition. With respect to the right of the Crown to dispose of this fund, it had never been denied, and when Mr. Burke introduced his measure of financial reform, he still left it at the disposal of the Crown. The hon. gentleman had specified instances of the manner in which this fund had been disposed of, and in which he supposed some indiscretion to have been practised. As to what had been stated with respect to his own connexion with the fund, he was ready to admit the fidelity of the hon. gentleman. It was true that, many years ago, he had held an office, on retiring from which, by constant and uniform practice, he became entitled to a pension of 1,200*l.* a year. It was true that he had retired from that office with the fullest claim to this pension. It was true that he had declined the pension, choosing to wave his particular right, and commute it for a pension of half the amount to persons who had direct claims upon his protection [Hear, hear]. He remembered, also, with great satisfaction, that, at the time, that choice was considered as a considerable sacrifice on his part. Having said thus much for himself, he had little to add upon the general question. Certainly, it was open to parliament to deliberate upon particular instances in the disposal of this fund, if a case of indiscretion were made out. The hon. gentleman had exerted that right in a manner of which he would not complain. He had gone into instances, and complexions of instances, which he thought fit subjects for the observation of parliament. The hon. gentleman well knew that if he (Mr. Canning) chose, he could have taunted him with the names of persons in the same situation who were connected with parties highly respected by the hon. gentleman. But that mode was too invidious a one for him to follow. The House had a right to examine into supposed abuses as to the application of this and of any other branch of the revenue. But he must say, that the hon. gentleman did not seem to him to have made out any case which was likely to bring upon it a vote of censure from the House.

Mr. *Hume* said, that the present mode of supplying the deficiency of the fund was an innovation on all preceding practice, and ought to be put a stop to. A part of the droits of the Admiralty had of late been made applicable to the demands on that fund, and he thought the whole of the pensions now defrayed by the West-India-Island duties ought to be taken from those droits. He saw no reason why the colonies should not be freed from the tax in that way.

Mr. *Brougham* said, his hon. friend had, in the reference which he had made to the names of individuals, only performed a painful duty, which he felt himself bound to discharge, and which, without any invidiousness, he had carried into execution. He had stated a case with which he (Mr. B.) perfectly agreed. The Four and a Half per cent. duties had been formerly left to bear the burthens upon them as well as they could, but now another fund was drawn in, which was to make up the deficiencies. That was a strong argument for their abolition. Another good ground seemed to be the peculiar circumstances of the times. When the West-India Islands were in a flourishing condition, the case was different. But they were now overwhelmed with unexampled distress, and his hon. friend had called upon the House to take the subject up in virtue of their petitions. The question therefore was not taken up uncalled for. The petitions from the Islands complained of the burthens imposed by those duties which were at all times inconvenient and heavy, but which were now utterly unbearable, when the colonies were afflicted with the greatest calamity. From time to time, this subject had been pressed on their notice without success. Mr. Burke, in his History of the European Settlements in the West Indies, had denounced this tax as most burthensome. It was indeed a tax not upon income, but upon gross produce. It was not regulated by circumstances, or modified according to the pressure of the times. It was as high when the crop was bad, and when the nett gains were nothing, or even when there was an actual loss, as when the planter was in the most flourishing circumstances. Mr. Burke, by an extraordinary accident, had lived to receive himself a pension out of this very fund. He did not mention this as a bad instance of its application, for he thought that, if any political pension could be justified, it was that of a man who had lived all his life out of office, and whose exertions had been the means of a great saving to the country. He, however, after denouncing the tax, had certainly enjoyed a large pension out of it. The hon. and learned member then proceeded to state, that this tax had been attempted to be extended to the newly-ceded colonies. He cited the case of Hall and Campbell, in the King's Bench, by which it appeared that an effort was made to inflict the tax on Grenada, which was one of the newly-ceded colonies, and it was insisted on the part of the Island, that government had no right to tax them after having given them a constitution, without the consent of the constituted authorities under such a constitution. If any county of England, for instance Cornwall, the fertility of which was not remarkable, were surrounded by counties that paid no tithes, while that one was liable to the full payment of tithe, would it not be a monstrous and crying iniquity, that the one county should be singled out to bear the pressure of so heavy and oppressive a burthen? Yet this was the situation of the Islands whose case had been stated by his hon. friend, and with whose statement he perfectly agreed. He also concurred in what had fallen from the hon. member for Aberdeen, with respect to the application of the droits of the Admiralty, and entered into a narrative of his motions on the question of those droits in the years 1810, 1812, and 1820, on the first of which motions, the important concession was made by the then minister, Mr. Perceval, that although the droits of the Admiralty were not, in consequence of the compact entered into with the late king at his accession, liable to parliamentary control, yet they were liable to parliamentary inspection, and accordingly annual accounts had been laid on the table as a matter of course ever since.

The House then divided: For Mr. Creevey's Motion, 57. Against it, 103.

EXPENSE OF THE CORONATION.] On the question being put, "That the Speaker do now leave the chair,"

Mr. *Hume* said, he took the earliest opportunity of calling the attention of the House to a transaction of an extraordinary nature, and which demanded inquiry. He alluded to the Expenses of the Coronation. An estimate of those expenses had been laid before the House, and the then Chancellor of the Exchequer had stated, that the amount would not exceed 100,000*l.* but the account now brought in was upwards of 238,000*l.* Was the estimate, then, a fair or an honest one? Some of the items were disgraceful in the highest degree, and the House ought not to vote a shilling until an inquiry had been instituted. The House had taken the estimate of the Chancellor of the Exchequer in 1820 as a correct one, but it had been so extravagantly exceeded as to make the estimate appear a gross delusion, and certainly as long as estimates were managed on that principle, they would be a mere farce. Another strong ground of complaint was, that the additional 138,000*l.* was supplied out of the French Indemnity Claims of 1815; and he should like to know what right government had to apply a single shilling of that money, which had not been appropriated to that purpose by a distinct vote of the House. Some of the items of the estimate were enormous. There was 111,000*l.*

for the furnishing and decoration of Westminster Abbey and Westminster Hall. Why, any minister, however weak, must know that was a most extravagant charge. Then there was 24,700*l.* to the master of the robes, for a robe for his Majesty. If his Majesty had been clothed in gold, it was scarcely possible that such a sum could be expended. How could ministers reduce clerks with small establishments, and establish checks to minute details of expenditure, while they consented to so profuse an expenditure in one item alone? Then there was a charge for a diamond crown. He understood that that bauble had been got up by a jeweller in the year 1819, and that it had been kept on hire at an expense of 8,000*l.* or 9,000*l.* a year. Was it possible to conceive a greater waste of the public money? Then came 50,000*l.* to the surveyor-general of the works for fitting up Westminster Abbey and Hall. When the gaudy and tinsel-like manner in which they had been fitted up was remembered, it was evidently impossible that so much money could have been expended on them. A variety of items followed. One of them, although small in amount, might well have been spared. It was the sum of 3,000*l.* to sir George Naylor, towards making public the ceremonial. Now really the account of the ceremony might have been left to be handed down by the historian. To apply a sum of the public money to such a purpose was as wasteful as it was ostentatious. In the whole affair, his Majesty's government had acted with bad faith. They must perfectly well know, that, if they had originally proposed a grant of 238,000*l.* such a vote would never have been agreed to. Then came the consideration of the manner in which the 138,000*l.* that had not been voted, had been paid. In taking money for that purpose which had not been voted, the Chancellor of the Exchequer had violated a resolution of that House; for any appropriation of the public money by his Majesty's government without a previous Appropriation-bill, was, if not a misdemeanor, a high disrespect towards the House. He would therefore move as an amendment, That, as the amount of 238,000*l.* for the expense of his Majesty's Coronation, as stated in an account late laid before Parliament, so greatly exceeds the estimate of 100,000*l.*, submitted to this House in 1820, it is expedient, before granting any further Supply to his Majesty, to appoint a Select Committee, to inquire into the circumstances which have occasioned that excess of charge, and into the several items constituting that charge, and also to inquire by what authority the sum of 138,238*l.* has been applied to discharge the Coronation expenses without the previous sanction of this House."

The *Chancellor of the Exchequer* said, that the hon. gentleman ought not to be surprised that the actual expense of the coronation had exceeded the estimate of 1820, when it was recollected, that that estimate was founded on the supposition that the ceremony was to take place in that year; and that a considerable prior expense had been incurred in consequence. When, however, his majesty was advised to postpone the ceremony until the next year, that expense was of course lost. It was clear, therefore, that 100,000*l.* would not cover the whole expenditure. With respect to the particular items of charge, as the hon. gentleman had given him no notice, he was not prepared to explain them. But, as to the fund out of which the expenses had been defrayed, the hon. gentleman was under a mistake. The hon. gentleman supposed that they had been defrayed out of the surplus of the contingency which had been paid by the French. Now, that surplus had never been appropriated by any vote of the House. It was, therefore, evidently competent to the Crown to apply the money to the purposes of the coronation.

Mr. *Bennet* characterised the whole charge of the coronation as a most wicked expenditure of the public money.

Mr. *Curwen* said, he should vote against the amendment, as it did not appear that any public money had been mis-appropriated by the Crown.

Mr. *Brougham* hoped his hon. friend would persevere in his amendment. Under any circumstances, an inquiry by a committee into the authority by which the appropriation was made could not be injurious. With respect to the items of the charges, some of them were scandalously enormous. The country ought not to be insulted by such an expenditure as 24,000*l.* merely for a robe for his majesty.

Mr. *Bright* protested against the appropriation by the Crown of any portion of the public money without the previous sanction of that House.

Mr. *Hobhouse* supported the amendment. Adverting to the enormous fees which, on the demise of the Crown, resulted from the formal re-appointment of individuals to places they already held, he trusted that a bill would speedily be brought in, to prevent such a practice in future.

The House divided: for the Amendment 65; against it 119.

HOUSE OF COMMONS.

Wednesday, June 11.

SILK MANUFACTURE BILL.] Mr. Huskisson having moved the third reading of this Bill, the Lord Mayor moved as an amendment, "That the Bill be read a third time that day six months."

Mr. *W. Smith* said, he was satisfied that at no very distant period the fears of those who were now so much alarmed at the measure would turn out to be unfounded, and that, instead of injury, benefit would accrue to them from the alteration.

Mr. *Hudson Gurney* said, that he hoped this bill would not be hurried through the House, it being merely a repeal of local regulations, where the parties themselves, if mistaken in their supposition, would be the only sufferers by the law remaining as it stood. The fact, as far as he could learn, being, that under the present Spital-fields acts there was a committee of workmen who met a committee of the masters, and who settled the rate of wages between themselves—the magistrate merely signing it for form, and being the authorized mediator in case of differences. Something of the sort took place in all trades. Make what combination laws you may, the necessity of an understanding between parties will always abrogate them in practice; and where there was a committee of journeymen in communication with a committee of employers, power of mediation on contested points existing somewhere seemed no unreasonable provision, and one which, in the present instance, appeared to have given satisfaction to a large body of people, who felt that in repealing it, the House was taking from them a necessary protection.

Mr. *Ricardo* contended, that the effect of the existing law was, to diminish the quantity of labour, and that, though the rate of wages was high, the workmen had so little to do, that their wages were, in point of fact, lower than they would be under the proposed alteration of the law. He could not bear to hear it said that they were legislating to the injury of the working classes. He would not stand up in support of the measure, if he thought for one moment that it had any such tendency. The existing law was more injurious to the workmen than to their employers; because, at periods when the trade was brisk, it empowered the magistrates to interfere, and prevent their wages from rising as much as they would if the law imposed no shackles on the regulations of the trade. He was in possession of a number of cases, in which the decision of the magistrates had been resisted, either by the workmen or their masters, where counsel had been employed, and the masters had at length given up the dispute rather than incur the trouble and expense of continuing it. He was perfectly satisfied that, if the present bill should pass, there would be a much greater quantity of work for the weavers in London than there was at present. With respect to wages, he was persuaded, that, in all the common branches of the manufacture, they would not fall; for at the present moment they were as high in the country, with reference to those branches, as they were in London.

Mr. *Peter Moore* was persuaded that if this bill passed, it would compel thousands of journeymen to seek parochial relief.

Mr. *Bright* said, that the working classes believed this measure to be injurious to their interests, and it was the bounden duty of the House, therefore, to inquire into all the circumstances connected with it. The committee on the silk trade in the House of Lords, so far from advising the repeal of the existing laws, recommended an extension of them. He deprecated most strongly the precipitation with which a measure so deeply affecting the interests of a large body of the working classes, and which must necessarily have the effect of diminishing their wages, was hurried through the House without inquiry.

Mr. *Hume* was satisfied that this measure would in its results be highly beneficial to the working classes.

Mr. *Ellice* trusted, that if the right hon. gentleman was determined to press the third reading of the bill, he would accede to a committee in the next session, to consider the propriety of a repeal of the combination acts, and other oppressive laws by which their interests were affected.

Mr. *Huskisson* had no difficulty in stating, in reply to the hon. member for Coventry, that when his hon. colleague should bring in his bill relative to the Combination laws, he (Mr. H.) should be perfectly ready to agree to the appointment of a committee to investigate the whole subject. He was an enemy to the principle of those laws; and with respect to the bill prohibiting the emigration of artificers, he had already stated to the hon. member for Aberdeen (Mr. Hume), that he should be ready to accede to a committee on that subject in the next session. The reason why he had objected to a committee on the present occasion was, that it was a local bill, and not a measure of a general nature.

Mr. *James* thought, that not only the Combination laws, but the law prohibiting the emigration of artificers, ought to be repealed. Nor ought the House to stop there. The same principle of removing restrictions ought to be applied to the Corn laws.

Mr. *Byng* did not see any practical evil in the present acts, and therefore could not concur either in the propriety or necessity of repealing them. The parishioners of Bethnal-green and Spitalfields had instructed him to oppose the present bill, and had informed him that they wished him to do so, because they reaped great advantage, and suffered no inconvenience, from the present system. He trusted that if that House would not inquire, the upper House would consent to the proposed inquiry.

The House divided: For the third reading, 53; Against it, 40: Majority, 13. The bill was accordingly read a third time, and passed.

RESUMPTION OF CASH PAYMENTS.] Mr. *Western* rose and said:—

In pursuance of notice given a long time ago, I now rise to submit a motion to the House, the object of which is, to induce an immediate attention to the present state of the Currency; to examine into the effects produced by the changes that have been made in its value during the last thirty years. My perseverance upon this subject may, in the opinion of some honourable members, exceed those bounds which are considered praiseworthy; but, such is my confidence—not only unabated, but increasing confidence—in the correctness of those views I entertain; such my unaltered conviction of the fatal consequences of that last operation upon the Currency, by the act of 1819, commonly called Peel's Bill, that nothing could induce me to abstain from this further effor to attract the serious consideration of honourable members, to the means of arresting the further progress of injustice and mischief, which unceasingly continues to flow from that measure. If, Sir, the adverse decision of the House to the proposition I moved last year ought to discourage me, I am, on the other hand, fortified by the opinion of some of the most able and enlightened persons within and without these walls; and I know that I shall have the earnest and decided support of some of them on this occasion.

Before I proceed further into the subject, I will shortly state what I do *not* contemplate or desire to accomplish, in the event of success upon the motion I shall put into your hand. A sort of negative statement is sometimes very useful to assist the speaker to explain the direct objects he has in view. In the first place, then, I do *not* contemplate any attack upon the administration with any spirit of party feeling. I am a party man; that is to say, I acknowledge the necessity of acting generally, though by no means invariably, in a party with those who concur in opinion upon great fundamental principles; but on this question, no such feelings can exist, for the measures I deprecate and wish to revise, were as much the work of Opposition statesmen as of ministers. I beg to have it understood, also, that I disclaim the idea of exclusive attention to the landed interest upon this question. They are, it is true, the most grievous sufferers by Peel's Bill; they are its first victims. [Somebody observed, "There are none of the country gentlemen here."] True enough, Sir, I hardly can discern one of them in the House: though they are the first victims, they are the last to perceive it—but I say they will not be the only sufferers—for it is quite clear, that, in proportion as the value of the Currency has been raised, all debtors are sufferers, creditors are gainers; all payers of taxes are sufferers, receivers of taxes are gainers; all the industrious laborious classes, therefore, are, or will be sufferers, though it has not yet fallen equally upon all. They are all paying that for which they never had value received. They are paying, in one word, in gold at the old standard of value, debts contracted and taxes imposed in a currency of infinitely lower value.

But, Sir, to proceed to another negative. I say, I do *not* contemplate the bringing back an unlimited paper currency. Far be from my mind such an intention: invariability of value is the primary, the essential quality to look to in the establishment of a circulating medium; and an unlimited paper currency can hardly fail to be eternally fluctuating. Then, Sir, I do *not* look to an *undefined* alteration of the standard which has been re-established by Peel's Bill, upon any arbitrary principle irrelevant to actual and past circumstances. I should hardly have thought it necessary to disclaim such intentions, did I not know that they are sometimes imputed to me. I should *not* object to the trial of the system proposed by the hon. member for Portarlington, in place of Peel's Bill; nor should I object to its ultimate adoption, provided the consequences should prove such as he said would result from it; I mean, principally, in respect to the value of gold, which he contended would not be enhanced beyond the amount, which at that time it bore, and which being the case, would have given an adequate money price to all commodities. The average of wheat in that year was above 70*s.*, owing no doubt to the then lower value of gold, as well as paper; for, we must never dismiss from our minds the fact, that gold varies in its value, according to supply and demand, like any other commodity; and that though, in general, its variations have not been great, they may, by possibility, as we know from the history of past time, be very great, and have actually been of late very considerable; which I shall shew presently.

This leads me, Sir, to a positive statement of what I do think, ought to be the principle on which in 1819 a metallic currency could have been justly established, on which it ought to be fixed, even now. I will endeavour to explain myself as clearly as I can. First, I must assume, what indeed will hardly be denied, that considerable variations of value in our currency have taken place in the course of the last thirty years. The extent of these variations I know are very differently stated by different persons; but not their existence. It will be admitted, that a diminution of value followed the suspension of cash payments by the Bank in 1797; that such diminutions continued and increased during the latter years of the war, and up to the time of Peel's bill; and that Peel's bill, whilst it restored the old metallic currency, gave to it the value which it possessed prior to its suspension.

The injustice attendant upon an alteration of a currency in any way, cannot be questioned a moment. The injury that was done to creditors by the act of 1797 (the origin of all our difficulties, in regard to currency) is not to be doubted; but, my position is, that after a period of twenty-two years the resumption of the old standard could by no means be an act of justice or retribution. A new currency upon a new standard necessarily ceases to be new, in any sense of the word, at some period; and an old one revived again is, to all intents and purposes, new and productive of all the same effects. Is twenty-two years such a period as shall suffice so to establish a standard, as to make recurrence to the antecedent as mischievous as the adoption of a new one? This is the important question; and I answer most distinctly, yes; *and that justice required us to establish and perpetuate that measure of value which had been so long current, as near as the same could be ascertained.* In pronouncing thus distinctly this opinion, I am further entitled to found it, not only on the ordinary occurrences that take place in that term of years (which however would alone amply suffice), but the extraordinary events of that momentous period. It is not merely that twenty-two years shall terminate most private contracts and engagements that were created prior to that time, that new and more extensive shall have been formed since in the more recent measure of value; but the tremendous public debt that has been contracted, the increased pay of army and navy and all public officers; and the taxes that have been consequently imposed in that period, more than justify my decision; nay, I cannot hesitate to say, that to make them payable in the old antecedent standard, is an act of infatuation, quite irreconcileable with any sane view of national faith or justice. As to the injury and supposed recompense to creditors and annuitants prior to 1797, I say, almost every previous dower or jointure must have expired; every previous charge or debt settled; and how few were there of the old stock-holders, that is, the possessors of stock prior to the war, who had not, in some way or other, parted with their stock to invest in land, trade, or manufactures; each and every one of whom would receive a second and far more violent injury, by the resumption of the old standard. The injustice done to those comparatively few who kept their ancient stock is the eternal theme of lamentation by the advocates of Peel's bill, whilst the more numerous and doubly-injured are wholly put aside. The injury to all creditors done by the Restriction act of 1797, cannot be sufficiently regretted; but, indemnification to the sufferers after a lapse of two and twenty years was impossible. There have been great gainers by Peel's bill and the resumption of the old standard, numerous and dreadful sacrifices, but no retributive justice. I fully admit, and indeed strongly feel the difficulties respecting the currency at that time; and that we had only a choice of alternatives, each in a degree objectionable, but I contend, that the course adopted was the most fatal that could be chosen; and that the most obviously just would have been to *establish the metallic currency as near the average value as possible of the paper currency which had lasted twenty-two years,* and which might have been easily ascertained; that paramount and real standard of value, as Mr. Horner called it, namely, Bread Corn, presented one efficient test, which, accompanied by other considerations, would have fairly accomplished this object; but the truth is, the House was wholly ignorant of the effect of its own proceedings. The hon. member for Portarlington told them the bill would make only 3 or 4 per cent difference in the value of the currency; and they unfortunately confided in this statement. They had not the least idea of the change in the money-price of commodities which was to result from this measure. Had they known what they were about, Peel's bill never could have passed.

The abundance of money, currency, or circulating medium (as differently and occasionally designated), and its consequent depreciation or diminution of value, certainly began soon after the commencement of the war in 1793; and the great amount of paper issues by the Bank, mainly contributed to produce the Restriction act of 1797. A material diminution of the *value* of our aggregate currency seems to have taken place (I mean currency composed of coin, and Bank and Country notes)—before the difference in value of the Bank-note and the guinea appeared. This diminution and depreciation afterwards continued and increased; and the gold was carried down in value with the paper with which it was forcibly united. Besides that, the universality of paper as a circulating medium superseded all demand for gold for that purpose here, and, in a considerable degree on the continent, and of course reduced its value. So that, on this account, to measure the value of our paper currency by the price of gold, itself reduced in value, was an egregious fallacy; and it is marvellous to reflect upon the perseverance of the hon. member for Portarlington in so doing, through all the discussions on Peel's bill, to the very last. Notwithstanding we find him in one of his pamphlets observe, that "it is a question extremely difficult to determine, what the effect has been on the value of gold, and consequently on the value of money, by the purchases of bullion made by the Bank. When two commodities vary, it is impossible to be certain whether one has risen or the other fallen. There are no means of even approximating to the knowledge of this fact, but by a careful comparison of the value of the two commodities during their variation, with the value of many other commodities."* It is astonishing, I say, that, with the avowal of such sentiments the hon. member for Portarlington should never advert to the vast changes that had taken place in the price of corn and other commodities, to aid him in deciding the fluctuating value of paper and gold singly or relatively to each other.

I have invariably contended, that the only means of estimating the value of a currency are, by watching its command or power over commodities particularly of prime and general necessity, and in this country, more especially Bread Corn. I have been often grossly misrepresented herein on former occasions, particularly by the hon. members for Portarlington and Liverpool. They argued, as if I had contemplated a currency following in its value every successive fluctuation of the price of corn, which would be madness; but whoever has looked into the subject at all, knows that corn is more steady in value, upon a *long period* of years, though less steady or more fluctuating from year to year, than the precious metals, or perhaps any other commodity. It is unnecessary to quote the authority of ancient writers, because all admit the fact; and we know, that Corn Rents have their origin in the rapid diminution of the value of the precious metals, and consequent advance in the price of corn, occasioned by the discovery of other mines in the reign of Elizabeth.[*] In modern times, and amongst modern statesmen, I refer to Mr. Horner, because so much stress has been laid by some persons upon his authority, and because he was the most prominent character of the Bullionists. Mr. Horner said, that Bread Corn was the paramount and real standard of all value, and an advance or fall in monied price must be a fall or an advance in the value of money; that the price of wheat from 1773 to 1785 was, on an average, 46*s.* per quarter; from 1786 to 1797, 52*s.* per quarter; and from 1797 to 1808, 79*s.* per quarter; and that no facts could possibly be required more strongly and indubitably to prove the incontestable depreciation of the currency.[†]

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* Ricardo on protection to Agriculture, A. D. 1822, p. 30.

Well, then, without going further, I say I may be entitled to consider it as an axiom undisputed, that the price of Bread Corn, taken upon a long period, affords the best criterion of the value of money; and after an abandonment of any fixed standard by the act of 1797, it is quite incomprehensible that our wise men should never have adverted to that paramount standard as a guide to tell us what we were about when Peel's bill was before the House.

Now, let us examine further what the price of wheat has been, upon long averages of years, prior to the restriction; and from thence to Peel's bill, in 1819, and since, making three periods. Let us see, I say, how much wheat could be had in exchange for an ounce of gold, or how much gold for any given quantity of wheat, which is the same thing; for we purchase gold with wheat as much as we purchase wheat with gold. Now, Sir, if we look to the prices of wheat, first, for one hundred and fifty years prior to the commencement of the war, to 1792 inclusive, we shall find the average, if taken of each ten years, from 32*s.* to 51*s.*, the general average above 40*s.* and not higher the last ten than the first; but after that period, and particularly after the year 1797, the advance became rapid, and in truth the average of the following twenty years was actually double that of any former.[*] From 1692 to 1792, an ounce of gold of the value of 3*l.* 17*s.* 10½*d.* would command about *fifteen* bushels of wheat; from 1792 to 1797, it would command only *ten* bushels [In this period, prior to the Suspension act, a scarcity occurred that forwarded the advance]; from 1797 to 1802, only *seven* bushels and three pecks; from 1802 to 1807, it would command eight bushels; from 1807 to 1812, six bushels and three pecks; from 1812 to 1817, seven bushels and about two pecks; and subsequently the case reversed, till at this moment we have got back to the measure of the 150 years prior to the war. Other causes, I know, are alleged, particularly the different effects of war and peace, for this advance and subsequent fall in the price of corn; but how can this opinion be maintained, when we know the two last wars occasioned *no advance whatever* in the prices of bread, meat, and labour, &c.; which I proved on my motion last year, by refer-

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[*] Prices of Wheat. (From Smith's Wealth of Nations, vol. 1.)

Years.	*l.*	*s.*	*d.*
1423 to 1451	0	10	7
1453 to 1497	0	8	5
1459 to 1560	0	9	2
1561 to 1601	2	7	5
1595 to 1636	2	10	0
1637 to 1700	2	11	3

[†] Debate on the report of the Bullion Committee, May 6, 1811

[*] Eton College Table of the price of wheat Average of every ten years, from 1646 to

	s.	*d.*
1655	51	7
65	50	5
75	40	11
85	41	4
95	39	6
1705	42	11
15	44	11
25	35	4
35	35	2
1745	32	1
55	33	2
65	39	2
75	51	3
85	47	8
93[*]	51	0
1803	80	1
13	100	0

[*] War began from this date.—Bank Restriction passed in 1797.

ring to the Chelsea and Greenwich tables.*

Well, then, I say, the value of *gold*, as well as paper, had so fallen, that the agricultural produce of the kingdom had *doubled* its *money* price. The rent of land had consequently doubled also, and so had labour, and every private transaction had *settled into the new measure* of value. Money borrowed on mortgage or other security, establishments created, jointures, family settlements of all kinds made in this measure, as well as public national engagements—when, by an unaccountable fatality, a sort of rivalry of zeal to restore the ancient—I should call it antiquated—measure, seemed to pervade the leading members on both sides of the House. Ministers had previously evinced much more caution than their opponents on this subject; but they at length went forward with equal rapidity, and Peel's bill was carried with mutual gratulations; and under its provisions the ancient measure restored. The natural consequences followed, the value of money rose, and the money-price of agricultural produce, and, indeed, other commodities, fell again, upon the same principles on which it had advanced to its former average value.

I am perfectly aware, that the recent rise in the price of corn, to about 60*s*., and meat, is supposed to be destructive of the solidity of my reasoning upon this subject; and I am not surprised that country gentlemen and farmers, who have never examined the circumstances with any attention, should give way to fallacious hopes; but, so far from concurring with them, I draw from the state of the markets an inference totally different. Observe, in the first place, that it never was asserted, that corn would not rise in value under Peel's bill above 40*s*., or that it would not fluctuate as at all other times, and in any other currency. I have maintained, and still do with unabated confidence, that the price will take the same range of fluctuations it did prior to 1797; that is to say, *generally* between forty shillings and sixty; whereas, in the restriction currency, it ranged between sixty and one hundred. Mark this extraordinary circumstance respecting barley; the crop of last year was hardly two-fifths of an average, and yet the average of the year to the present time has hardly reached thirty-one shillings; while, as far back as the year 1792, when there was no scarcity, and the malt-duty only half what it is now, the price was thirty shillings, which it *often* was at that distant period. If such a failure of crop had occurred during the restriction currency, the price would have been sixty or seventy shillings per quarter at least. As to the price of meat, the exhaustion of stock by the necessities of the farmers to bring every thing to market, whether fit for slaughter or not, might well now occasion the fear of a temporary scarcity, but it would soon come down again to fivepence or sixpence a pound. Upon the whole, I repeat, that the present state of the markets is confirmatory rather than otherwise, of my view of the subject, and effective only to overthrow the arguments of those who would persuade us we were visited with a cruel redundance of produce of every kind.

This restoration of the currency to the value prior to 1797 being established, it is clear, I say, that the money value of all produce and labour has in consequence reverted back to their former rate, whilst money debts, and charges, and taxes remain

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* ROYAL HOSPITAL GREENWICH.

		Flesh per cwt.		Bread per lb.		Butter per lb.	Cheese per lb.
		s.	*d.*	*d.*	*oz.*	*d.*	*d.*
Peace,	1755	27	9	1 for	14	5½	3½
War,	1760	31	6	1 for	13½	5½	3½
Peace,	1765	27	3	1 for	9½	5½	3¼
Peace,	1775	33	5	1 for	9½	6¾	3¼
War,	1780	34	6	1 for	11⅛	6½	3⅛
Peace,	1785	37	6½	1 for	10¾	6¾	3¾
Peace,	1790	36	10	flour per sack. 43*s*.		6½	4

ROYAL HOSPITAL CHELSEA.

		Flesh per lb.	Bread per lb.	Butter per lb.	Cheese per lb.
		d.	*d.*	*d.*	*d.*
Peace,	1755	4	1½	7½	4
War,	1760	4	1½	7½	4
Peace,	1765	4	1½	7½	4
Peace,	1775	4½	1⅛	7¼	6¼
War,	1780	4¼	1½	7	4¼
Peace,	1785	4½	1 6/8	7	4½
Peace,	1790	4½	1⅞	7	4½

Eton College Table of the Price of Wheat.

	l.	*s.*	*d.*
5 years before the war of 1756 . .	1	14	4
Average of war to 1763	1	17	2
Price of 1764	2	1	5
Ditto 1765	2	8	0
Average of first 5 years after the war	2	5	2
5 years before American war . .	2	11	2
War from 1775 to 1782	2	6	6
Price of 1783	2	14	2
Ditto of 1784	2	13	9
5 years ditto	2	8	2

the same. And first, as to the influence of such a change upon the agricultural classes. The great proprietors have, it is well-known, almost without exception, great burthens. They cannot bear the necessary reduction to save their tenantry, without being themselves overwhelmed in such embarrassments as will degrade them from the rank in society they now hold. Much has been said relative to the impossibility of any adjustment of existing contracts; but, in truth, a practical adjustment has actually taken place between landlords and tenants. Where such has not been the case, and the tenant paid the value of the land, he has been utterly ruined. It is, indeed, a very well-conditioned estate, and a fortunate possessor, if the necessary deductions amount to no more than one-third, in many cases it is one-half; in some no rent at all can at present be extracted, but take it at one-third, it is a third, too, of the gross income. Where is the landlord that can bear such a reduction? The ten per cent property tax was leviable only on the nett income. It was light, it was trivial—it was mercy, compared to this masked injustice and robbery, which at one blow effectually abstracts forty per cent from the nett income of every landholder in the kingdom. Never was such a blow aimed at the aristocracy of the kingdom, their expenses of every kind remained the same—debts, mortgages, settlements, establishments. We shall have a pauperized House of Peers, nor less beggarly Commoners of the country gentlemen, at least; as to the lesser landholders, they are notoriously mortgaged as deeply as the greater; and in numberless instances, I could mention such mortgages, and in many cases younger children's provisions, swallow up the whole estate. The tenantry have certainly borne hitherto the brunt of the burthen, and their property has been sunk in one-third of the time occupied in making it. They are cruelly impoverished; and their labourers cannot do otherwise than experience their share of the poverty of their employers. They are in the worst of all possible situations, that of being obliged to solicit employment as a favour. They are altering their mode of living; they are coming down to the degrading sustenance of potatoes. We shall have the lamentable spectacle of a potatoe-fed population, and what to me is equally indicative of poverty, a smock-frock tenantry. Some gentlemen I believe there are, who would prefer having the ignorant, and dependent boors of former times to hold under them. For my part, I regard such a condition of farmers as proof of the barbarism of a country, and dread nothing so much as the idea of a smock-frock tenantry, and a potatoe-fed population.

But I have said, this is not a question merely agricultural—it is not landlords and farmers only who suffer under the influence of Peel's bill; I contend, that all the industrious classes suffer. The manufacturing labourers feel it in the diminution of wages, though not equal to the labourers in the fields. But we know their money wages now are not by any means equal to what they were in the restriction currency, and if there was any thing of a deficiency in our harvests, we should find their situation very different; or I will add, if the foreign demand for our manufactures had not increased in an extraordinary degree soon after the passing of Peel's bill, their distress would have been great. The agricultural labourers, I am quite convinced, have experienced a defalcation in their earnings beyond that degree which can be counteracted even by the excessive depression in the price of corn. The diminution of their earnings cannot be estimated by the nominal price of their weekly pay. It is much greater than is indicated by that rule. The number of days occupied in looking out for work, and the harder bargains they must make in all contract work, must be thoroughly understood, before any thing like a just estimate can be formed of their real situation. I am confident that the most industrious and intelligent labourer practically understands that the money-price of bread, is to be considered *relatively only to their earnings*, and that if the latter fall faster than the bread, they must lose instead of gain by the change. Every thing depends on the quantity of bread they can command and not the price. I know many have often said, that they were much better off when wheat was twenty-five pounds per load, and would rejoice in the return of those times; and as to the poor-rates, though great, they were, notwithstanding, very little more than half, *when measured in corn*, or any other farm produce, than they are now. The only way to make any just estimate of the weight of poor-rates, tythes, taxes, or rent, is the proportion of the corn, or other produce the farm grows, which it takes to pay it. The farmer must reflect how many quarters of wheat, for instance, he was obliged to sell two years ago to pay his rates, and he will find it requires nearly double now, though the nominal amount was higher. I do not believe even that the working manufacturer is better off now than he was when wheat was at that high money-price.

Now, Sir, the grand consideration which I wish to press upon the minds of hon. members is, the unjust and destructive consequences of such a diminution of the money-earnings of industry, with a continuance of the same money-burthens which were laid on the people, or individually contracted in the money of abundance and of lower value. The aggregate money-earnings of the entire community, in other words, the national money income, is by so much diminished as the aggregate quantity of the circulating medium or money is diminished, whether metallic or paper, and its value enhanced. It is obvious and indisputable, that the weight of the public burthens depend wholly upon the amount of the national income. It is entirely relative. Sixty millions would be little to pay out of six hundred: it would be excessive to pay out of one hundred. I will not pretend to make any estimate of the defalcation in the aggregate money income of the country produced by Peel's Bill; it will be equally illustrative to show the effect upon the first branch of national industry; viz. agriculture, where estimates are somewhat more easy. Perfect accuracy is impossible; but I pledge myself to the moderation of my statement in round numbers. It is, indeed, so simple, that it admits of no deception. I take the rental of the kingdom, calculated on the property-tax at 50 millions. I suppose the gross produce of the land to be four times the rent, three times used to be thought enough; now it cannot be less on the average than four; in some instances I know it is five. Then, taking it at four, the gross income from the land is 200 millions, distributed between landlord, tenant, tithe-owner, tradesman, and labourer. Then I suppose the money-price of the produce to be, by the alteration of the currency, reduced 30 per cent, or say one-fourth, 25 per cent. That is, the price of wheat say from 80*s.* to 60*s.*, and other things in proportion, and we see at once the *entire* rental of the kingdom (50 millions), or as much as the entire rent, is subtracted from those different parties named, each in proportion; the national income, from which taxes are to be drawn, is thus reduced 50 million per annum. It approximates just so much nearer the amount of our national burthen; but when I say 25 per cent as the reduction, the House must be aware that I am much below the mark. I can hardly imagine any man will now deny 25 per cent as the effect of Peel's bill, and I believe it to be nearer 50. But see only what it is at 25 per cent. There may be a vulgar notion, that what the agriculturists lose, others gain. But the agriculturists only lose, because others have lost also, and have not the same money to come into the market with. There is the actual diminution of quantity, or loss of so much money-income of the people; and the burthens to be sustained by them must consequently fall so much heavier. I do not say, that all classes have suffered a reduction in an accurate proportion to their former wealth or earnings; but the total of the money-income of the country has fallen. There never was, certainly, such a performance as this in the history of nations. Nothing more common, in all ages and countries, than to *lower* the value of the currency by various means, and thus *lighten* the public burthens—a plan which loses nothing of its vice, by the frequency of its commission; but to *increase* enormously the value of a currency in a country loaded with debt, is so egregiously stupid as well as unjust, that it can only have arisen, I presume, from perfect blindness, and want of consideration on the part of the majority of those who urged the measure.

Now, I put it to the House to determine whether, upon a consideration of the evident and total absence of any reflection upon these most important points, when Peel's bill was passed, it is not our indispensable duty to institute an immediate inquiry into the effects thus produced? I ask, whether, in the discussion which took place in this House, any alteration in the value of the currency was contemplated by any one of the supporters of the bill, beyond three, four, or five per cent at most? I ask, whether one word was said, or thought was stated, relative to its influence on the public debt and taxes? I ask, if it was supposed that twenty-five or thirty per cent, was ever in the imagination of any body.

The act is not that which was intended. The House intending one thing has done another. And I ask, whether that circumstance does not afford irresistible ground upon which to establish the necessity of acceding to the motion?

But, Sir, there is another most important question to be considered; and that is, the practicability of maintaining the currency we have adopted in the various changes in our situation that may occur relatively to other countries. Has the subject been ever considered under the supposition of Europe being again involved in war? I believe that the first shot that is fired will be the signal for a second recurrence to the Restriction currency. I am thoroughly convinced it is utterly impossible we can sustain a war expenditure, at all approaching even the last, in this currency of Peel's bill. I have, on several occasions made a variety of calculations upon the value of the currency now and during the war, showing, I think most indisputably, that the *real* burthen of the present peace expenditure is equal to that we endured during the war. But, Sir, I shall now refer to a publication of great celebrity,* where a similar comparison gives the same result. The author justly observes, that to estimate the actual pressure of taxation, the augmentation of the value of the currency must be carefully examined; that, without doing so men's minds are deceived by the sound of figures. He then proceeds to state the amount of the charge of the most expensive periods of the war, the three years, 1810, 1811, and 1812, and 1813, 1814, 1815. The average depreciation of the currency in the former period was 21½ per cent, in the latter 28½: the average *nominal* amount of taxes was in the former 74 million, and 84½ in the latter; but their *real amount* at *par* was 58½ million and 60½ million respectively; and therefore, supposing our taxes to be sixty millions, now, we are paying in one case half a million, and in the other, one million and a half more than we did during the most expensive years of the last war. "Nothing," observes the author, "can more fully illustrate the effects of the return to cash payments than this statement. It has had the effect of augmenting the pressure of the taxes to a larger amount than the removal of the war and other taxes since, has relieved the country."

This effect is here most truly stated as far as it goes, but falls short of the absolute pressure; because the change in the currency operates, as I have before explained, to so vast a reduction of the money-income of the country out of which these taxes are to be paid.

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* See Edinburgh Review, No. 72, p. 411; in which will be found the following

Table of the Currency in which Taxes were paid, in twelve Years, ending 1821.

Years.	Average Market Price of Gold per oz.			Difference per cent between Market and Mint Prices,	Nominal Amount of Taxes.	Amount of Taxes in the Currency of 1792 and 1821.
	£.	s.	d.			
1809	4	10	9	$16\frac{1}{3}$	71,887,000	60,145,000
1810	4	5	0	$9\frac{1}{10}$	74,815,000	68,106,000
1811	4	17	1	$24\frac{1}{2}$	73,621,000	55,583,000
1812	5	1	4	30	73,707,000	51,595,000
Sept. to Dec. 1812	5	8	0	$38\frac{1}{2}$	—	—
1813	5	6	2	$36\frac{1}{10}$	81,745,000	52,236,000
Nov. 1812, to Mar. 1813	5	10	0	41	—	—
1814	5	1	8	$30\frac{1}{3}$	83,726,000	58,333,000
1815	4	12	9	$18\frac{8}{9}$	88,394,000	66,698,000
1816	4	0	0	$2\frac{1}{2}$	73,909,000	72,062,000
Oct. to Dec. 1816	3	18	6	under 1	—	—
1817	4	0	0	$2\frac{1}{2}$	58,757,000	57,259,000
1818	4	1	5	5	59,391,000	56,025,000
1819 (to Feb.)	4	3	0	$6\frac{1}{3}$	58,288,000	54,597,000
1820	3	17	$10\frac{1}{2}$	0	59,812,000	59,812,000
1821	3	17	$10\frac{1}{2}$	0	61,000,000	61,000,000

Now, Sir, I shall occupy no longer the time of the House. I will once more only remind the House of one or two points of the greatest moment for their consideration. First, that it is the paramount duty of parliament to grant with extreme jealousy, the imposition of any taxes upon the people; sedulously to guard the public purse; and that any mode by which the public burthens may be augmented, without this House perceiving the effect in the first instance, should naturally excite the strongest suspicions, and call forth our most diligent and attentive investigation. Can it possibly be denied, that Peel's Bill has augmented the burthens upon the people far beyond any calculation or contemplation at the time? And if such is the case, will any hon. member say, that we ought not to inquire into what it is we really have done? What a perfect mockery are we guilty of, in the parade of regulation respecting money bills, if such a case as this is to pass unnoticed, and not only unnoticed, but, if we wilfully turn our backs upon it! Nobody denies the depreciation during the suspension. Nobody denies the restoration of value. Does not the hon. member for Portarlington himself admit, that the difference exceeds his original statement to a considerable amount, and consequently that we have augmented the public burthen beyond our contemplation or intention; that we have, in fact, enacted, through ignorance or inadvertence, that which we did not intend?—Upon the whole, Sir, I feel the strongest conviction upon my mind; that our duty demands of us irresistibly that we shall institute the inquiry I call for; and I therefore, Sir, move,

"That a Committee be appointed to take into consideration the changes that have been made in the value of the Currency between the year 1793 and the present time, and the consequences produced thereby upon the Money-income of the country derived from its industry; the amount of the Public Debt and Taxes considered relatively to the Money-income of the country; and the effect of such changes of the Currency upon the Money-contracts between individuals."

Mr. *Ricardo*[*] observed, that the hon. member for Essex, and all those who took his view of the subject, laid down very sound principles, but drew from them conclusions which were altogether untenable. No one doubted, that, in proportion as the quantity of money in a country increased, commerce and transactions remaining the same, its value must fall. No one questioned, that the change from a depreciated to a metallic currency of increased value must have the effect of reducing its quantity, and of lowering the price of all commodities brought to market. These were principles which he had himself on various occasions asserted; but the difference between him and the hon. member for Essex, was, as to the degree in which the value of our currency had been increased, and the degree in which prices generally had been diminished by the bill (called Mr. Peel's Bill) of 1819. It was from seeing the evils which resulted from a currency without any fixed standard, that he had given his best support to that bill. What he sought was, to guard against the many and the severe mischiefs of a fluctuating currency; fluctuating, not according to the variations in the value of the standard itself, from which no currency could be exempted, but fluctuating according to the caprice or interest of a company of merchants, who, before the passing of that bill, had the power to increase or diminish the amount of money, and consequently to alter the value, whenever they thought proper. It was from seeing the immense power which the Bank, prior to 1819, possessed—a power, which he believed that body had been inclined to exercise fairly, but which had not been always judiciously exercised, and which might have been so used as to have become formidable to the interests of the country—it was from the view which he took of the extent of that power of the Bank, that he had rejoiced, in 1819, in the prospect of a fixed currency. He had cared little, comparatively, what the standard establishment was—whether it continued at its then value, or went back to the old standard: his object had been, a fixed standard of some description or other. In the discussions of 1819, he certainly had said, that he measured the depreciation of the then currency, by the difference of value between paper and gold; and he held to that opinion still. He maintained now, that the depreciation of a currency could only be measured by a reference to the proper standard—that was, to gold; but he did not say, that the standard itself was not variable. The hon. gentleman, and those who supported his opinions, were always confounding the terms "depreciation," and "value." A currency might be depreciated, without falling in value; it might fall in value, without being depreciated, because depreciation is estimated only by reference to a standard. He had undoubtedly given an opinion in 1819, that, by the measure then proposed, the prices of commodities would not be altered more than 5 per cent; but, let it be explained under what circumstances that opinion had been given. The difference in 1819, between paper and gold, was 5 per cent, and the paper being brought, by the bill of 1819, up to the gold standard, he had considered that, as the value of the currency was only altered 5 per cent, there could be no greater variation than 5 per cent, in the result as to prices. But this calculation had always been subject to a supposition, that no change was to take place in the value of gold. Mr. Peel's bill, as originally constituted, led the way to no such change. That bill did not require the Bank to provide itself with any additional stock of gold till 1823. It was not a bill demanding that coin should be thrown into circulation, till after the expiration of four years and a half; and before that period, if the system worked well, of which there could be no doubt, parliament could, and in all probability would, have deferred coin payments to a considerably later time. It was a bill by which, if they had followed it strictly, the Bank would have been enabled to carry on the currency of the country in paper, without using an ounce more of gold than was then in their possession.

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[*] This Speech was written out by Mr. Ricardo for this Work, and sent to the Editor a few days before his death.

Gentlemen forgot that, by that bill, the Bank was prohibited from paying their notes in specie, and were required only to pay them in ingots on demand; ingots which nobody wanted, for no one could use them beneficially. The charge against him was, that he had not foreseen the alteration in the value of the standard, to which, by the bill, the paper money was required to conform. No doubt, gold had altered in value; and why? Why, because the Bank, from the moment of the passing of the bill in 1819, set their faces against the due execution of it. Instead of doing nothing, they carried their ingots, which the public might have demanded of them, to the Mint, to be coined into specie, which the public could not demand of them, and which they could not pay if it did. Instead of maintaining an amount of paper money in circulation, which should keep the exchanges at par, they so limited the quantity as to cause an unprecedented influx of the precious metals, which they eagerly bought and coined into money. By their measures they occasioned a demand for gold, which was, in no way, necessarily consequent upon the bill of 1819; and so raising the value of gold in the general market of the world, they changed the value of the standard with reference to which our currency had been calculated, in a manner which had not been presumed upon.

This, then, was the error which he (Mr. Ricardo) had been guilty of: he had not foreseen these unnecessary, and, as he must add, mischievous operations of the Bank. Fully allowing, as he did, for the effect thus produced on the value of gold, it remained to consider what that effect really had been. The hon. member for Essex estimated it at 30 per cent; he (Mr. Ricardo) calculated it at 5 per cent; and he was therefore now ready to admit, that Mr. Peel's bill had raised the value of the currency 10 per cent. By increasing the value of gold 5 per cent, it had become necessary to raise the value of paper 10 per cent, instead of 5 per cent, to make it conform to the enhanced value of gold. To estimate what the effect of this demand for gold had had upon its value in the general market of the world, he contended, that we should compare the quantity actually purchased, with the whole quantity used in the different currencies of the world; and he was satisfied that, on such a principle of calculation, 5 per cent would be found to be an ample allowance for the effect of such purchases. But the hon. member for Essex had said nothing of all this. He merely came down to the House and said, "My proof that there has been an alteration of 30 per cent in the value of money is, that there is a change to that amount in the price of wheat, and of various other commodities." Every alteration, under every circumstance, in the price of commodities might so be solved, without the trouble of inquiry, by reference to the value of gold. If this argument were good for any thing now, it was good for all times; and we never had had any variations in the value of commodities: the variations in price, which had often occurred, were to be attributed to no other cause but to the alteration in the value of money.

But, suppose the calculation of the hon. member to be correct, and that all the alteration which had taken place in the price of corn had been owing to the alteration in the value of money, he (Mr. Ricardo) should ask him, whether, even in that case, the agricultural interest had suffered any injustice? It was not pretended, that money was now of a higher value than it was previous to the Bank Restriction bill, nor corn at a lower price. The favourite argument was, that they, the landed interest, had to pay the interest of the debt in a medium of a different value from that in which it had been contracted, and therefore, that they actually pay 30 per cent more than they would have paid, if money had never altered in value. He (Mr. Ricardo) had once before endeavoured to show the fallacy of this argument, and had attempted to prove, that the payers of taxes actually paid no more now, than they would have paid, if we had had the wisdom never to depart from the sound principles of currency; and that the stock-holders, taking them as a class, receive no more than what is justly due to them. The hon. member would lead the House to believe, that the whole of our immense debt was contracted in a depreciated currency; but the fact was, that nearly *five hundred millions* of that debt was contracted before the currency had suffered any depreciation; and the rest of the debt had been contracted in currency depreciated in various degrees. Mr. Mushett had been at the trouble of making very minute calculations on this subject, and had proved, that the loss to the stockholders, from receiving their dividends in a depreciated currency for twenty years, on the stock contracted for in a sound currency, would amount to a sum sufficiently large to buy a perpetual annuity, equal to the additional value of the dividends paid on the *three hundred millions* of debt contracted for in the depreciated currency. He should be glad to hear an answer given to this statement. For his own part, it did appear to him, that the success of the present motion would not benefit the landed interest a jot: because the motion asked for an examination as to the changes from the year 1793 to the present moment; and, as it must be admitted, that the landed interest had derived vast advantages from the depreciation between the years 1800 and 1819, the present motion compelling them to make due allowance for the benefits they had acquired during those years, would take from them an amount equal to that which they had lost by the subsequent change.

The hon. member for Essex said, that the currency had altered 30 per cent in value; but his chief proof rested on the altered price of corn. The true cause of the great erpart of this alteration was, not the change in the currency, but the abundance of the supply. The stimulus to agriculture had been great during the war, and we were now suffering from a re-action, operating at the same time with the effect of two or three abundant crops. Could the agricultural interest be ruined by an alteration in the value of money, without its affecting, in the same manner, the manufacturing and commercial interests of the country? If corn fell 30 per cent from an alteration in the value of money, must not all other commodities fall in something like the same proportion? But, had they so fallen? Was the manufacturing interest so distressed? Quite the contrary. Every thing was flourishing, but agriculture. The legacy duty, the probate duty, the ad-valorem duty on stamps, were all on the increase; and certainly, if a raised value of money had lessened the value of property, less might be expected to be paid generally upon transfers of property. The state of the revenue was to him (Mr. Ricardo) a satisfactory proof, if every other were wanting, of the erroneous conclusions of the hon. gentleman.

The hon. member for Essex had asked, if any man would say, that under the present system of currency the country could bear the expenses of a war? would any man say now, that the country could pay, as it did in the former war, eighty-four millions per annum? Now, this question was not put quite fairly; because, as the hon. member contended, that our currency was increased in value 30 per cent, he ought to ask, whether we could now afford to pay sixty millions per annum for a war, as we paid eighty-four millions formerly? He (Mr. Ricardo) would answer, that the country would be able to pay just as much real value under the existing system, as under any system of the hon. member for Essex's recommendation; for he thought, that a change in the value of her currency could have no effect at all upon the powers of a country. An unrestricted paper currency created a new distribution of property. It transferred wealth from the pockets of one man to whom it really belonged, to the pockets of another who was in no way entitled to it; but it imparted no strength to a country.

Agreeing as he did most sincerely, with almost all the opinions of his right hon. friend, the president of the Board of Trade (Mr. Huskisson) on this subject, he still considered, that his right hon. friend had given too much currency to the opinion, that an unrestricted paper issue enabled us to meet with increased strength the public enemy. It was not useful to war—it was most injurious in peace—and could not again be put under control, without the grossest injustice to a great portion of the community. We had happily recovered from those effects; and he sincerely trusted, that the country would never again be subjected to a similar calamity.

It was singular, that the objection against the restoration of our currency from a depreciation of 5 per cent in a period of four years, should have come from the hon. member for Essex, who, in 1811, saw no danger in restoring it from its depreciated state of 15 per cent in a single day. The House might recollect that, in 1811, a bill had been brought in, to make paper money equivalent to a legal tender, in consequence of lord King having, most justly, demanded the payment of his rents in the coin of the realm, according to the value of the currency at the time the leases were granted. Suppose that bill had been thrown out, agreeably to the views of the hon. gentleman, who in a speech strenuously opposed the bill, and that the law had taken its course, and that creditors had been defended, in demanding their payments in coin—what would have been the result in that case? Would not the ounce of gold have fallen the very next day from 4*l.* 10*s.* to 3*l.* 17*s.* 10½*d.*? Would there have been no inconvenience in an enhancement in the value of the currency to that amount? or was the hon. gentleman prepared to say, that a rise in the value of paper of 15 per cent in one day, in 1811, would have been harmless, but that it would be ruinous to raise it to the amount of 5 per cent only, in a period of four years from 1819?

The hon. member for Essex had not dealt quite fairly by him (Mr. Ricardo) in a pamphlet which he had recently published. In speaking of Mr. Peel's bill, he acquitted his majesty's ministers of any intention of plunging the country into the difficulties which he thought that bill had caused: he paid a compliment to their integrity, by supposing them ignorant: but not so to him (Mr. Ricardo). Without naming him, the hon. gentleman alluded to him and his opinion, in a way that no one could mistake the person meant, and said, that it required the utmost extent of charity to believe, that in the advice he had given he was not influenced by interested motives. The hon. gentleman would have acted a more manly part, if he had explicitly and boldly made his charge, and openly mentioned his name. He (Mr. Ricardo) did not pretend to be more exempted from the weaknesses and errors of human nature than other men, but he could assure the House and the hon. member for Essex, that it would puzzle a good accountant to make out on which side his interest predominated. He (Mr. R.) would find it difficult himself, from the different kinds of property which he possessed (no part funded property), to determine the question. But, by whom was this effort of charity found so difficult? By the hon. gentleman, whose interest in this question could not, for one moment be doubted—whose whole property consisted of land—and who would greatly benefit by any measure which should lessen the value of money. He imputed no bad motive to the hon. gentleman. He believed he would perform his duty as well as most men, even when it was opposed to his interest; but he asked the hon. gentleman to state, on what grounds he inferred, that he (Mr. Ricardo) should, under similar circumstances, be wanting in his.

I beg particularly (continued Mr. Ricardo) to call the attention of the House, to the opinions which I have given on the cause of our recent difficulties, and which the hon. member for Essex now reprobates; as I think that, for every one of those opinions, I can appeal to an authority which the hon. gentleman will be the last to question—for it is to his own. I contend, that the present low price of corn is mainly owing to an excess of supply, and not to an alteration in the value of the currency. What said the hon. gentleman in this House, in the year 1816, when corn had fallen considerably, and when the causes of that fall was the subject of discussion?

"The first and obvious cause, I say, has been a redundant supply beyond the demand, and that created chiefly by the produce of our own agriculture. Permit me, Sir, here to call to the recollection of the House the effect of a small surplus or deficit of supply above or below the demand of the market. It is perfectly well known, that if there is a small deficiency of supply, the price will rise in a ratio far beyond any proportion of such deficiency: the effect, indeed, is almost incalculable. So likewise on a surplus of supply beyond demand, the price will fall in a ratio exceeding almost tenfold the amount of such surplus. Corn being an article of prime necessity, is peculiarly liable to such variations: upon a deficit of supply the price is further advanced by alarm; and upon a surplus, it is further diminished by the difficulty the growers have in contracting the amount of their growth, compared to the means which other manufacturers have of limiting the amount of their manufacture."*

Now, I would ask the House in what these sentiments differ from those which I have had the honour of supporting in this House, and which the hon. gentleman now thinks so reprehensible? But further, the hon. gentleman contended, in the speech alluded to, that the diminution which at that time had taken place in the amount of the circulating medium was not in any way the cause of the fall in the price of corn, but on the contrary it was the fall in the price of corn which was the cause of the diminution of the quantity of the circulating medium—"I say" (continued he) "there is nothing which will prevent it" (corn) "so falling, nor are there any means to force a re-issue of this paper currency which has thus vanished in a moment: nothing but a revival of the value on which it was founded can accomplish the object."

On this point, I rather agree with the hon. gentleman's present opinions, than with his former ones, that there are means of forcing a re-issue of paper, and of raising the price of corn; but I trust that we shall not have recourse to them. The hon. gentleman proceeds to say—"Now, Sir, let us turn from the contemplation of this gloomy picture, and consider what prospect there is of remedy, or what means we have of affording relief. If I am right in attributing the primary cause of all these calamities to the effects of a surplus in the market beyond the demand, the remedy must be found in taking off that surplus; or it will remedy itself in a short time by a reduction of supply. The danger is, that the present abundant supply should be converted into an alarming deficiency." The hon. gentleman goes on to say, that it is impossible, for any length of time, for the price of corn to be below a remunerating price, and that it is possible for the harvest to be so abundant as to produce loss instead of advantage to the grower. These were the opinions which he (Mr. Ricardo) held on this subject, and which he had at various times, though with much less ability, attempted to support in that House. If he had learned them from the hon. member, it was very extraordinary that at the moment he adopted them the hon. member should turn round and reproach him for conforming to his sentiments.

The hon. gentleman proceeded to animadvert on the arguments and statements set forth by the hon. mover in a pamphlet recently published, and particularly on one, in which the hon. member, in making up the balance of advantage which the stock-holder had derived from the several measures affecting the currency, entirely omitted to set on one side of the account, the various sums which had been paid to him in discharge of his debt by the sinking fund in the depreciated currency, and which, amounted to upwards of one hundred millions. If the money advanced by the stock-holder to the public had been in a depreciated currency, so had been the payments made to the stock-holder; and it was not fair for the hon. gentleman to calculate on the sum of such advances, but on the difference between the advances and payments. As the hon. gentleman stated the question, it would appear as if all the advances to government had been in depreciated money, and all the payments from government to the stockholder had been in currency of the Mint value. Nothing could be so little conformable to the fact; as the advances and payments were made in the same medium, and, as far as the amounts were equal, they were equally injurious to both parties.

After going through various other objections which he took to the contents of the same pamphlet, Mr. Ricardo went on to justify the opinions which he had given before the Bank committee from an attack which had been made upon them, in another pamphlet, by the hon. member for Callington (Mr. Attwood). He concluded by objecting to the motion. It was too late to make any alteration in the currency. The difficulties of the measure of 1819 were now got over. The people were reconciled to it. Agriculture, he believed, would soon be in the same flourishing condition as the other interests of the country. If it were not, it would only be on account of the mischievous corn law, which would always be a bar to its prosperity. As a punishment to the hon. gentleman, he could almost wish that a committee should be granted. He would, of course, be chairman of it; and tired enough he would be of his office, by the time he had "adjusted" all the interests relative to his new modus! He could not tell how the hon. gentleman would go about the performance of such a labour; but this he would say, that the immediate result of granting such a committee would be, to produce the most mischievous effects, and to renew all the inconveniences which had been previously occasioned by the uncertainty and fluctuations of the currency.

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* See First Series of the present work, vol. 33, p. 36.

The Marquis of *Titchfield* said, that as he had seconded the motion, he was anxious to take an early opportunity of explaining the views and justifying the objects with which he should go into such a committee as his hon. friend, the member for Essex, desired to have appointed. But though, on many accounts, he was eager to express his opinions on this subject, that eagerness was nevertheless somewhat damped by the consciousness that he must appear under many disadvantages, and principally on account of the contrast that would be drawn, so much to his prejudice, between himself and the mover, who, from his experience, abilities, and long study of the subject he had introduced, was entitled to possess so much weight with the House and with the country. The cause which his hon. friend had undertaken, and with so much honour to himself had supported, although it belonged undoubtedly to all the productive classes of the country, was still more emphatically at that period the cause of that great body of men, who were till lately considered, and even still had the name of it, as the most powerful portion of the community, but whose influence had, within a year or two, declined in so marked a manner—he meant the landed proprietors of the kingdom. For, however much it might be the fashion, or as he would rather call it the prejudice, to consider this question as one of a dry uninteresting and speculative nature, fit only for the researches of political economists, yet he felt any impartial person could not go through an attentive examination of it, without a decided conviction, that the real substantial matter of this motion was not less than, whether a great part of the present possessors of the land should remain upon their properties, distinguished by that influence in the community which had been the pride of their families through so many generations, or whether they were to be shortly exiled from their estates, with no better prospect than that of an obscure and a penurious life, in the meanest villages of the continent, having not so much sold as surrendered their hereditary seats into the hands of a class, which, if the hon. member for Essex were right, will have been unjustly enriched at their expense, by the unequal and merciless operation of the late changes in the currency. It was neither, then, his business or his intention to go into all the details of the subject, and therefore, of course, he did not mean to attempt to go through the whole chain of proof which would be necessary to shew, that the hon. member for Essex was right in the conclusions to which he had come. For the House would bear in mind, that the present motion was for a committee to inquire; and if upon most questions details were more properly reserved for that stage, and superfluous and uncalled-for at an earlier period, such must be still more strikingly the case on that question; as it was one of the greatest magnitude and intricacy that had ever occupied the attention of parliament. But, as it would be impossible to cope with the subject in all its details within the limits of a speech, it was most gratifying to him to reflect, that, in the view he took of it, fairly considered, the merits of the question were to be compressed within no very great compass, and were to be fairly and honestly canvassed, without dwelling upon minutiæ, and without entering at all into nice and abstruse points.

In the course of what he had to say, he should take the liberty of remarking upon some of the arguments, or rather observations, of the hon. member for Portarlington (Mr. Ricardo), and he trusted he should be acquitted of disrespect or presumption, if he should express dissent from the authority with very considerable freedom. To some of the arguments of the hon. gentleman he would attempt an answer, in the order in which they naturally came; but to what had been said in the way of insinuation against his hon. friend, he would answer at once, that the object of the motion was not, by any means, to favour the class more immediately interested in it, at the expense of the rest of the community; but it was to do justice—simple justice—to that class, and by that very circumstance it would be conferring a benefit upon all the other classes at the same time. He should have been disposed to say much upon this point, if the hon. member for Essex had not made it so clear; for, conscious of the most honorable intentions, but conscious also that a selfish jealousy had been unjustly imputed to the landed interest, and unworthy motives falsely ascribed to its advocates, that hon. member had most properly placed very forward in his speech an indignant denial of the calumny.

The case he had to make out really appeared to him so plain, and the justice of it so urgent, that if he had no means of guessing what was the disposition of the House respecting it, he should have been of opinion that it would be simply necessary to state one or two facts, which undoubtedly no man could deny—that the subject of the currency was one of much doubt and difficulty—that the distress of the greatest interest in the country was beyond parallel urgent—and that a very strong and general impression prevailed, that a great part at least of the cruel suffering of which the landholders complained, arose from the Cash-payment bill of 1819, which it was the object of the motion before the House to alter and modify. In all other cases, those simple facts, in a House of Commons not blindly obedient to the will of the minister, would be sufficient to ensure to his hon. friend his committee; but when in addition to those facts, it was competent for any one who had looked with any care into the subject to adduce reasons of the great weight they must be admitted to possess, even by those who were most zealously employed in controverting and counteracting them, for supposing the general impressions upon those points to be correct, if parliament, notwithstanding, should still decline the task of investigation, he would not hesitate to assert, it would be neglecting to employ one of its greatest functions at a most critical moment, and would be forgetting those duties of which the remiss exercise would be most criminal in the authors of the neglect, and most fatal to those suffering parties, whose calls were so loud, and whose claims were so pressing for relief.

For all who might feel as he did, very doubtful of being able to handle a subject of this intricate nature, the noble lord said there was a most agreeable and encouraging consolation in the circumstance, that, whatever doctrines one might broach, whatever predictions one might hazard, and whatever surprise and disapprobation one's sentiments might excite, it was impossible for any novice to come off worse, as to the result, than some of those who were considered among the most distinguished authorities living, for every thing connected with the study of political economy. He was very far indeed from making this remark in the way of hostility to, or disparagement of, the persons to whom he was alluding. He used it simply to shew how little right any one had, of whatever consequence for his knowledge and abilities, to expect to settle questions of this description by his own individual opinion, and how improvident as well as indecorous it would be, in a great and delicate matter like this, that so divided and agitated the community, for such an assembly to be governed by the dictum of a theorist; and how impossible to justify our refusal to have recourse to those large means which the appointment of a committee presented, of sifting this subject to the bottom, and by collecting and bringing under one view all possible information, and every conflicting opinion, of finally setting the question to rest, and of satisfying the public mind. But, while solacing one's self with the reflexion, that experience has confounded to so great a degree some of the most eminent of the economists, and that any person of slender abilities and narrow information could meet with no discomfiture so great as to inflict any very severe humiliation, there was, on the other hand, a most discouraging circumstance in this—that people generally were so uninformed on these points, that in discussing them, unless one set out with the plainest and most elementary remarks, there was little chance of being understood by the greater portion of hearers or readers; while, on the other hand, by advancing axioms and evident truths, there was a danger of being ridiculed by others for occupying them with truisms. This latter danger, however, he should make bold to defy, sheltering himself under the fact, that notwithstanding all the discussion this subject had undergone, it might still be heard any day in society, from persons otherwise intelligent, that in their opinion to talk of the depreciation of the currency must be nonsense, for that they were unable to comprehend how a pound-note at one time could differ from a pound-note at another—that a pound-note must be a pound-note always, —that it was impossible the same piece of paper, with the same characters marked upon it, should be more valuable at one time than at another—and when above all, the famous resolution of 1811 was recollected, he thought it would be perfectly excusable for him, even in that assembly, said to be so enlightened, to set out with the mathematical axiom, that "a part is less than the whole,"—an axiom which, now that the late chancellor of the Exchequer was no longer among them, he apprehended no one would be found hardy enough to dispute. In mentioning the name of that extraordinary person, the noble lord said, he much lamented his inability to do justice to the merits of so great a master of reasoning and eloquence, who so confounded the philosophers of 1811, by unfolding to his admiring audience, that the old favourite axiom of Euclid was nothing but a popular delusion; that in reality a part might be easily equal to the whole; and that therefore there was no reason for doubting, that the pound-note which required the assistance of eight shillings to procure a guinea, was equal to the pound-note which required the assistance of but a single shilling of precisely the same value with those of which eight had become necessary. That great man, for his singular merits, he supposed, or perhaps for their unworthiness of him, had been taken from them and bestowed upon another assembly, which, not having had the same practice in finance, it was to be hoped he would long continue to enlighten. [A laugh!] He could not, however, be said to have finished his course prematurely; for, twelve years before, he had obtained an imperishable name, by placing triumphantly on the Journals of the House of Commons, that astonishing resolution, which had deprived Euclid of his ancient and long acknowledged reputation. He was most anxious to disclaim all personal ill-will towards the late chancellor of the Exchequer. Indeed, it was impossible he should be under any such impulse; but he would not shrink from confessing that, in a political point of view, he could never hear his name pronounced, much less pronounce it himself, without a feeling something like bitter animosity; because he considered that minister as the author, in great part, of the calamities in which the landed interest of the country was involved. He believed that few parts of the financial administration of that period were exempt from much and well-merited censure; but all the other measures to be lamented were trifling in the scale of mischief, compared with that fatal resolution which ministerial influence unfortunately carried in the House of Commons, the effects of which were now helplessly deplored, and which would so long survive the name, as well as the administration, of those with whom it originated. The mischief of that resolution might be described, with perfect justice, in a very few words. Its effect was, to blind the public to their real situation; thereby both promoting the evil and rendering the sufferers less capable of guarding against it. It assured the public, in the middle of a great and rapidly increasing depreciation, that no depreciation existed. The Bank therefore went on fearlessly adding to its issues; which of course increased the evil by increasing the cause of it, and the landholders went on with the cultivation of poor soils, undertaking expensive improvements, fondly imagining that the additional Bank-notes he was receiving were additional riches. The landholder, never suspecting that his dealings were virtually in a lower coin, borrowed fearlessly, sums vastly larger than he could have ever dreamt of—that would have staggered his imagination, if he had had a suspicion wheat could ever be at thirty-nine shillings a quarter; for, while he was receiving a hundred and forty, he took for granted, he might safely calculate upon bad times not bringing him lower than perhaps seventy or eighty shillings; and thus the prudent man even was induced to borrow, what it was clear he had now no chance of paying without ruin. That ever memorable House of Commons told him what they knew to be false, or ought to have known—that the pound-note was of full value, when it was in reality depreciated 30 per cent. He borrowed the pound-notes worth thirteen shillings, and he was called upon to repay pound-notes worth twenty. The proprietor dying in 1810, 11, 12, 13 or 14, might have left his property to his eldest son, with an obligation to pay half of it in mortgages, and provisions for younger children, and after those were discharged the heir might still be in possession of perhaps a magnificent income. A fall of prices, from natural causes, of which of course he would have no right to complain, reduced his income 25 per cent: but that did not affect him seriously, as the articles he consumed fell also, and although his income was trenched upon by the fixed money-payments, he was still able to maintain his station in society. But then, in addition to this natural fall, came the artificial one, from the contraction of the currency, to the amount of 25 per cent, which added to the 25 per cent reduction of the same amount, which was independent of the currency, brought the whole reduction to 50 per cent, and so left the proprietor to pay a pound to annuitants where, literally speaking, he did not receive a farthing. To supply this deficiency, he was obliged then to allot what had before appeared to him his own nett income, which however, in this new state of things, barely sufficed to meet the demands upon the estate, and consequently the unhappy owner was at one stroke reduced to beggary and dependance upon the charity of the younger branches of his family. That was very far from being a case of mere fancy. It was to be met with, in a greater or less extent, in every part of the country, and almost at every turn.—But, if the House of Commons he had been alluding to had taken the honest, straight-forward, manly, and natural course, by avowing the depreciation instead of concealing it, none of those cruel revulsions in property could have taken place; for every man, when he engaged to pay a pound, would have settled at the same time, whether it was to be a pound of thirteen shillings, or of fourteen shillings, or of any other value below par, or whether it was to be a pound of full value. All other nations at all other times had found that guard against a dishonest government tampering with the currency. It was reserved for an English government, in the nineteenth century, incredible to relate, to improve upon fraud and injustice, and to render the commission of it more cruelly and extensively ruinous, than it had ever been in the hands of any government, either ancient or modern, and the instrument of the worst part of that system of measures, was the late chancellor of the Exchequer, and his resolution of 1811.

The noble lord said, that in contemplating the melancholy results of that Resolution, and the widely-spread distress that had flowed from it, it was scarcely possible to find any consolation, although, as an individual, he certainly received much gratification from reflecting, that his right hon. relation, at the head of the government, not only had no share in laying the foundation of those disasters, which were now admitted on all hands to be so appalling and unfathomable in their ultimate consequences, but that two of the most splendid efforts of his great genius were directed to save his country from the calamities he foresaw in the baneful policy of 1811. All his talents of every kind—of argument, wit, and it might be added of illustration and quotation, did he muster up in one of those two celebrated, and universally admired speeches on that subject,* which, as they were published, he had had the advantage of reading and studying, to prove the apparently simple and indisputable proposition, that 75 and 100 could not be the same thing, that old Euclid was correct in his notion that a whole is greater than one of it's parts, and that therefore, the Bank-note which required the assistance of eight shillings, could not be esteemed equal to the Bank-note which required the assistance of but one of those same shillings. That view, however, notwithstanding his great powers, he utterly failed in persuading the House of Commons to adopt; for that House, well knowing that his right honourable relation was in opposition, and that Mr. Vansittart was in alliance with those who had the dispensing of the good things of power, gave, of course, their decision against his right honourable relation's amendment, against Euclid, and against the, till then, undoubted dictates of common sense, by an overwhelming majority of two to one —just the sort of decision which might be anticipated that night, against the motion of the hon. member for Essex, who, he trusted, would not be hurt or disappointed at so poor a requital of his exertions, recollecting as he must endeavour to do, the fate of the right hon. gentleman opposite to him.

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* See First Series of this Work, v. 19, p. 1076.

The noble lord next said, that however dark and forbidding the subject might appear, and although his own acquaintance with it was very recent and he felt but imperfect, yet he had the most entire confidence, that to understand it sufficiently for a judgment on what the House was then called upon to decide, was open to almost any person's comprehension, upon a very little attention to a mere statement of the question. The question required nothing but to be fairly stated. For a long period, all the pecuniary transactions of the country were carried on in pound-notes, manifestly and indisputably depreciated; because, where there were previously forty millions of notes, there were, afterwards, sometimes fifty, sometimes sixty, and sometimes seventy, without any corresponding increase in the transactions of the country. Now, the effect of this was obvious, from this clear, irrefragable principle—that in currency quantity is every thing; for if, to take an example, there were forty millions of notes in circulation in a country at one time, and eighty at another, and the transactions of that country remained the same, then two notes in the latter case would be only equal to one in the former; but if, when the increase took place from forty to eighty in the notes, there was also an increase to that amount—namely, double—in the transactions of the country, then two notes in the latter case would be equal to two in the former. By doubling, therefore, the amount of Bank-notes, a depreciation of one half would necessarily take place, unless commercial dealings had increased. If such an increase should take place, to the amount of double, then the depreciation of the notes would be entirely cancelled; if only a fourth, then the effect of the additional issues would be counteracted to that extent only, and the balance would be a depreciation of a fourth. Now, in applying this principle to the state of this country during these operations on the currency, it would not be necessary to take into consideration the increased pecuniary transactions of all kinds, great and extraordinary as they undoubtedly were; because they might be considered to have been counteracted by the diminution in the value of money, which was going on with about a corresponding rapidity, and this diminution in the value of money was of a nature distinct from depreciation, properly so called. That, however, was a distinction not formerly taken into account, but at the same time a very useful and important one to be kept in view. The importance of it he would mention presently, and would first endeavour to state the character of the operation, and the rules by which it was governed. He felt he should do this satisfactorily, because he should do no more than refer to the authority upon which he relied—he meant, a speech delivered last session by his right hon. friend, lately become president of the Board of Trade, which he took for granted made the matter clear to all who had heard it. He (lord T.) was inclined to make a still further distinction in the meanings of that term, and to consider depreciation as divisible into three species—that which proceeded from natural causes, such as the increase of the precious metals—that which proceeded from artificial causes, such as the clipping of the coin—and that which proceeded from artificial causes also, the economy of the precious metals. Economy of money was by contrivances to spare the use of it, according to the description of his right hon. friend, by substitutions for the precious metals in the shape of voluntary credit. Every new contrivance of this kind, and every old one improved, had that tendency. When it was considered to how great an extent these contrivances had been practised in the various modes of verbal, book, and circulating credits, it was easy to see that the country had received a great addition to its currency. This addition to the currency would, of course, have the same effect, as if gold had been increased from the mines in that proportion, and of that creditors could, therefore, have no right to complain, since every man was understood to take his chance of such changes—arising solely from a defect inherent in the nature of money, on which account the precious metals were not a perfect, but only the *best*, standard of value, that mankind had been able to devise. For it was of the artificial, forcible, depreciation that the creditor justly complained, because he could not be expected to take that into account; since no subject could be supposed to calculate upon fraud and perfidy in the government. This forcible depreciation had always, up to 1797, been effected by clipping the coin, which of course was a robbery upon all creditors to that amount; and corresponding in principle was a forcible raising of the value of currency, which was a robbery to that extent upon the debtor. In former times, when governments, in order to relieve their necessities, determined to condescend to the weak and wicked policy of cheating their creditors, they had recourse to a very simple process—which was only to clip off a portion of each piece of coin, allowing the piece to retain the same denomination. If they chose to commit this fraud to the amount of one-half then, to take the guinea for an example, they clipped it into two—still calling each piece, nevertheless, a guinea, and thereby paying off the creditor to whom a guinea was owing, with half a one. When, on the other hand, governments were not in debt, but wished to add to their means by increasing the burthens of their subjects, they increased the value of the coin, by ordering that the guinea, to take a similar example, should contain double the quantity of gold, retaining the same name; by which means the taxes, nominally the same, were in reality doubled, and private debts, of course, likewise; for where an ounce of gold had been agreed to be paid in consequence of such an edict, the payer was obliged to bring two ounces. These were the clumsy expedients governments, formerly resorted to; but, in 1797, it was discovered, that the same thing might be done as effectually, and less openly, by means of a forced paper circulation. For as the fraud was accomplished by increasing or diminishing the quantity of the circulating medium, when once a paper currency was compulsorily current, the government could increase it to any amount at pleasure, and the only difference in the two cases was, that the addition to the gold currency could only be made by clipping the coin, which every body was immediately aware of; whereas in the other case, they had only to send into the market an additional number of notes, by which the currency was increased unperceived. And for the contrary purpose of raising the value of money, in the one case, the government caused the coin to contain double the quantity of gold, or declared that a guinea should be called half-a-guinea, the object of which was immediately detected; and, in the other case, they had only to withdraw from circulation a certain quantity of paper, the absence of which the public in general could not possibly discover.

To apply these principles, then, to the late situation of this country, matters stood thus: The Bank-notes were depreciated, and became, therefore, in the situation of clipped or debased guineas, which state of the circulation prevailed from 1797 to 1819. During this long period, a great portion of the national debt was contracted, the larger portion of the taxes were imposed, the salaries of public servants were increased in proportion, lands were bought and burthened, and at last, when almost every transaction had come within reach of this depreciation, the ministers, the tax-receivers, turned round upon the people the tax-payers, and told them all these taxes imposed in clipped guineas must be paid in guineas of full value—and that, however improvidently and unjustly the government had bound its subjects to that agreement, the country must submit, consoling itself with the glory of returning to a good, sound, wholesome, natural state of things—wholesome, most undoubtedly, to the ministers, whose salaries were augmented, and power extended in proportion, but ruin and misery to the payers of taxes and the holders of mortgaged estates, who were called upon to pay a full guinea for every clipped one they had undertaken to pay. And what appeared to render the question so simple and easy, was, that every one at all familiar with the subject, admitted this to have been the case to a certain extent, and the only thing in dispute was, the degree in which it had taken place. Of the various opinions which were considered of authority, one was, that the burthens of the country had been increased 10 per cent—another, 25 per cent—a third 50 per cent—and a fourth might be added, which went the length of estimating the increase at 100 per cent.

His hon. friend called upon the House to set the question at rest, by first discovering to what extent the burthens of the country had been really increased; and next, to discover how far a remedy was to be obtained, consistently with justice to all classes in general, and for those most especially, who had been so grievously affected by that aggravation of the public burthens. That was, in truth, the history of their present situation. It was clearly desirable to return, as soon as possible after the war, to cash payments, because the country was then, and had been all along, without any standard at all; which was not an inconvenience only, but a calamity. The only doubt was, how soon that return to cash payments could be accomplished, and what standard was to be fixed upon. The mere returning to cash payments was a matter of indifference almost, with reference to the difficulty of accomplishing it. The real difficulty was, returning to cash payments at the ancient standard. But that consideration was so much overlooked, extraordinary as it might seem, that he (lord T.) would venture to say, that nine-tenths of the House of Commons and of the country, excepting of course those who were conversant with subjects of that nature, imagined the only question to be, whether they should receive and pay sovereigns or Bank-notes—whether it should be in gold or in paper, and that the only party who could be at all concerned in the matter was the Bank. They scarcely knew what was meant by the term "standard of value," never dreaming that it depended wholly upon that, what was to be the amount of every man's property. To return to the ancient standard was certainly to be wished, for the sake of the precedent, provided the advantages were not purchased too dearly. Was it, or was it not too costly to effect this? Could the country bear the painful operation of the process? That was the point on which the whole question hinged. It was decided the country would be able to bear it, because the burthens it would occasion would amount to little more than 3 per cent. And here he must take the liberty of remarking, that he could not let the hon. member for Portarlington off so cheaply as that hon. gentleman seemed to wish; for he had said, that he had given it as his opinion, that the cost of the measure would be 5 per cent though he had lately admitted it to be 10 per cent. from the deference he paid to the authority of Mr. Tooke. The fact however was, if his (lord T.'s) memory did not deceive him greatly—for he spoke only upon memory, and regretted much, that it had not occurred to him to examine the passage in the hon. gentleman's speech of 1819, which was accessible in those volumes which were well known to contain reports of all parliamentary proceedings—but he felt confident of his recollection of that speech when he said, that the hon. member's words were not 5 but 3 per cent—remarking, that in a very short time all alarm would be forgotten, and that people would laugh at the very idea that any mischief could have been apprehended from so trifling an operation as that of adding to the burthens of the country 3 per cent. That, the noble lord said, he was confident was the substance of the hon. gentleman's prophecy. Under the impression then, that the cost would be but 3 per cent, the measure was adopted; and at so small a cost, it was not surprising that a great majority had decided to encounter it. Some, however, there were who objected to it, even on the ground of so trifling a sacrifice as 3 per cent; for 3 per cent was undoubtedly but a trifle, compared with the oppressive weight of what was now discovered to be the cost of it. It was now seen that those calculations were entirely wrong, having been founded in error; for they proceeded on the theory, that the difference between the market and mint price of gold was a correct index of the depreciation of the Bank-notes. Without entering at large into the refutation of that error, he could go far, he thought, towards satisfying the House upon it, by observing, that out of the many pamphlets this subject had produced in the last three or four years, two had lately appeared of great and admitted authority—one by Mr. Blake, and the other anonymous, which was understood to be from the pen of one of the members of the House most distinguished for his knowledge of this subject, and whom he might almost name, as the member for Portarlington had mentioned it as the production of the member for Callington, (Mr. Attwood*). These two pamphlets were directly opposed to one another on all other points, but agreed upon the important and decisive one, that the difference between the market and mint price of gold was, under the circumstances of the war, and the extraordinary and novel state of things that characterized it, no index whatever of the depreciation. And for a guide in that inquiry, it would not have been more idle to rely upon the price of iron, cotton, timber, or any other commodity. Instead, then, of going into an argument to prove that the difference between paper and gold was no criterion of the depreciation, and that the degrading of our money had been much more serious, he would content himself with the fact, that the two great authorities he had mentioned, though at variance on all other points, were agreed upon that; and, moreover, that the truth of that position was every day more generally acknowledged. A belief in the contrary opinion had been the ground-work of the confidence that the ancient standard might be resumed without a greater sacrifice than 3 or 4 per cent. That those calculations were erroneous was now universally admitted; for the hon. member for Portarlington himself acknowledged, that it was to be rated at 10 per cent while the hon. members for Coventry and Callington rated it at nearer 50 per cent and the hon. member for Taunton, whose opinion was perhaps the most safe one to abide by, both on account of the weight of his authority, and the circumstance of his standing about midway between the extreme opinions that had been given to the public, had declared that, in his judgment, the rise in the value of the currency was to be put at 25 or 30 per cent, and in some instances more. The result however was, that, instead of 3 per cent the public found a burthen of 30 per cent imposed upon them as the price of their return to the ancient standard; in other words, that every man's debts and taxes had been increased in the same proportion. The country gentlemen had consented to a measure, the nature of which they did not comprehend, of the effects of which they had not a suspicion at the time, but which had now, in the most alarming manner, been forced upon their notice; and the question was, whether they would not, at least, make an effort to remove or alleviate the weight of a burthen they had rashly, and under a delusion, consented to be charged with. If they should come to so unaccountable a determination as quietly to await the event —a mode of meeting difficulties they had unfortunately been very fond of—he would ask them, before adopting so fatal a course, whether it would not be sufficient to rouse any other set of men, that had ever been heard of from indifference, to recollect, that Mr. Peel's bill had been passed with scarcely any opposition—that at first only a few long-sighted persons had foreseen any mischief from it—that every month almost the alarm had increased—and, what was most important, that every man of whatever degree of authority, had acknowledged, that he had underrated the pressure it would occasion—that he who had made a high, as well as he who had made a low estimate, had equally been of opinion since, that he had been below the mark. The nation consequently was engaged in an undertaking, the arduous nature of which it had either been altogether unconscious of, or at least had greatly mistaken—and, was it possible for those who would be the chief sufferers to decline examining if it was in their power to extricate themselves from so formidable a predicament? Could they resolve patiently to encounter difficulties, which were not more unexpected than they were complicated and overwhelming? Did any party in distress ever before think it superfluous to inquire whether a remedy was within their reach?

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* A Letter to Lord Archibald Hamilton on Alterations in the Value of Money: printed for Ridgway, A. D. 1823.

But it had been said, that, hard and cruel as was the situation in which the productive classes had been placed, there were imperative reasons for submitting to the consequences — that, whatever might be the disposition of those aggrieved to adopt a remedy, and whatever might be their means of providing one, there were considerations which should induce them to acquiesce in whatever they complained of as the result of Mr. Peel's bill—for that 1st, the country had been pledged to return to cash payments at the close of the war—2nd, that the present sufferers had seen good times during the depreciation, while another class had been in distress, and the recollection of the advantages they had enjoyed, should reconcile them, to use Mr. Malthus's expression, to the turn that had taken place in the wheel of fortune—3rd, that such changes in the currency had, in other times, been attempted, and happily accomplished—and 4th, that, as the new state of currency had lasted since 1819, no alteration could be effected without injustice. Upon each of those arguments, as they were considered such insurmountable obstacles to the proposition of the hon. member for Essex, it was necessary to make some observations.

But, before noticing any of them, he could not omit to comment upon one of the modes in which the supporters of the hon. member for Essex had been attacked. What he alluded to he hardly knew how to describe—for argument it undoubtedly was not—of the name of objection even it was unworthy—since it was a piece of the emptiest abuse—though unfortunately it had been very successful in discrediting that just cause, in the support of which he had been troubling the House. Whenever any wish was expressed to interfere with Mr. Peel's bill, it was immediately exclaimed, "Oh! you landholders are finding your incumbrances inconvenient, and your creditors urgent: you can't bring yourselves to part with your luxuries, and so you must contrive something to get rid of your mortgages; and this is what you mean by equitable adjustment." And thus the term equitable adjustment had actually become a by-word for all that was dishonest. That seemed really curious; for if the merits of a proposition could be determined by the sound and nature of an expression, one would have thought that a better term could not have been invented to recommend such a measure to the legislature. The natural meaning of equitable adjustment, he humbly conceived to be such an arrangement as was most agreeable to the most scrupulous honesty—it meant, that contracts should be executed in the spirit and intention in which they had been made. Whether such an arrangement could be carried into effect was another question; but that it was other than consistent with strict honesty it was, he would assert, ridiculous to contend, and dishonest to insinuate. And here, it was most instructive to reflect, what the blindness of faction could do; for whenever this expression had been used, it had always been treated as belonging to the radical and revolutionary school. Little was it imagined by those senseless declaimers, that this remarkable expression had proceeded from a very different source—one that would not be suspected of radicalism; for it was from no other than the Tory member for the county of Norfolk (Mr. Wodehouse), and the stage on which it was produced would probably astonish many of these unfair objectors as much, for it was at one of those meetings called Pitt dinners—an occasion in some respects certainly very suitable, but whimsical enough in others, since the fame of that great man, whose career the party had met to celebrate, had been so materially tarnished by his having set aside the ancient standard of value, after it had been kept inviolate for near two centuries. But, the baseness of this calumny was only equalled by its absurdity; for if the sound of words merely, was considered, surely an arbitrary appropriation must be worse than an equitable adjustment; and yet such language had been applied to the latter term, that nothing beyond could be found to describe the character of the former.

He would now leave this abusive nonsense, that had been directed against those with whom he acted on this occasion, and pass to the real arguments by which they had been opposed. At first sight, undoubtedly, the argument, that all along during the restriction, the country was pledged to return to cash payments at the end of the war, would appear conclusive on the point, and inexorably to require of the sufferers to submit. But, upon looking into that argument less superficially, it appeared to him without any weight at all. It was true, the country was pledged to return to its ancient currency at the end of the war—but, under what circumstances did it enter into that pledge? Did the country say in its bond—was it recited in the preamble to the act of parliament—"Whereas for a length of time the currency has been depreciated, is continuing to be depreciated, and moreover is likely so to continue, nevertheless, at the end of the war the depreciation, to whatever extent it may have proceeded, shall be stopped, and the currency, however it may have become disordered, shall be reformed"? If any such language as that had been held, then indeed, there would have been no case for a remedy—no appeal could have been made to the legislature of this day for its interference as a court of equity—the pledge must have been redeemed at whatever cost. But, instead of holding such language as this, parliament had taken an opposite course—it acted on the supposition, that no depreciation existed; for the House of Commons, that enlightened—nearly omniscient body—said, with authoritative wisdom and oracular dignity—"True it is, you fancy there is a depreciation, but it is a gross mistake—it is a mere phantom of the brain—Bank-notes are as valuable as ever—their value has been all along unchanged and will continue so; and, therefore, when the country comes to pay its debts at the end of the war, it will pay upon just the same terms as it would pay now—the only difference will be, that the payment may be then in gold, whereas, now it must be in paper; but the guinea then will be just the same as the one-pound-note and a shilling now, and consequently, in undertaking to return to your ancient currency at the termination of the war, you are undertaking what can cost you nothing—what cannot signify a jot—you are imposing upon yourselves no sacrifices—you are legislating upon a mere matter of convenience." That, in substance, was the language held in 1811, and those were the circumstances under which that fatal pledge was given. Was it not notorious to all who were acquainted with the transactions of the two principal eras in the history of the Bank restriction—particularly the second—the one in 1811—that the engagement to revert to the ancient standard was entered into under the impression, that no additional burthen would be the consequence? And that would unquestionably have been the case, if there had been no depreciation; and the country was told, from the highest authority, that there was none. The proposal of the government was therefore readily adopted, and the bargain was ratified. The measure of borrowing in inconvertible paper, to be repaid in paper convertible at the ancient standard, was only to be dreaded by the country, from the possibility of being called upon to pay more than had been lent; but that could not be if depreciation did not exist, and the House of Commons assured the public that such was the case. On that assurance, unfortunately, the public relied. Could any one imagine that such an engagement could have been entertained, much less recommended, if the country had been aware that the inevitable consequence of it was to entail upon it, and upon every individual of course equally for his private concerns, the necessity of repaying to creditors from 30 to 50 per cent more than had been borrowed? That the public, in 1823, knew to be the case; but did not know when the bargain was concluded—nay, were assured of the contrary. The bargain, therefore, was made under a false impression. And, did not all sense of equity forbid the notion, that a bargain, where one side was not conscious of the weight of it, and was moreover purposely kept in the dark, should be insisted upon in all its strictness? This was a case, if ever there could be one, in which equity required, that the transaction should be revised and adjusted, that compensation might be made. To keep in force Mr. Peel's bill was to sanction the most violent and shameless injustice. It was to enforce the execution of what was consented to under a delusion. It was to consider a pledge given by the House of Commons as binding only against one party. For, what was the meaning of the resolution in 1811, declaring, that Bank-notes were equal to the legal coin of the realm in public estimation? What was the object and design of it? It could not have been a merely speculative, theoretical opinion, produced and maintained for the purpose of idle disputation and a display of sophistry. It was for an important practical object. It was to quiet the fears of debtor and creditor, by giving an assurance, that neither party should suffer by the financial policy of the government—that the one should never have to pay more than he borrowed, and that the other should not be obliged to content himself with less than he had lent. That assurance would have been realized, if the resolution had spoken the truth. But, as every man had at last seen, that resolution was nothing but falsehood and nonsense; and therefore the pledge it gave, could not be redeemed. As the pledge given was in fact a pledge to opposite things at the same moment, it was clear that it must be violated altogether towards one of the parties, or that it must be violated in part, towards both. Being in such a predicament, what was the fair way of acting? Was it to force one party to bear alone the whole weight of your errors and guilt? or was it not rather to place the effects of your imbecile wickedness equally on the shoulders of both? If the currency of 1811 were resorted to, the whole weight would be imposed upon the creditor, and the debtor would have the advantage of all those unfortunate changes; but, if the ancient standard were maintained, then the creditor bore none of the weight, and the debtor had none of the benefit. While, by adopting a standard between those two extremes, the loss and the gain would be equally divided. Thus, as near an approach to a state of perfect justice would be made, as was possible under the circumstances; for it was to be borne in mind, that when the currency was once tampered with, perfect justice was no longer in question, and a government resorting to that disgraceful expedient, at once threw away the mask, and openly professed not to regard justice, as long as it was inconvenient to do so. The only thing such a government had in its power was, to make its injustice as little mischievous as possible, by distributing the cruelty it had committed, alike among all its subjects. That only remedy the government of this country had unfortunately neglected; and it was upon that, that the hon. member for Essex and his friends had insisted, demanding it as a right, for the numerous victims of parliamentary injustice—who were no less than the whole body of the productive classes of the empire. The language addressed to the government was, "You have accumulated an overwhelming weight of injustice and misery by your wicked and blundering alterations in the currency; your blindness has been equal to your perfidy; you have robbed your subjects, and have not been considerate enough to rob them alike. Whatever you do now, there must be heart-rending cases of individual suffering: you cannot diminish the aggregate of injustice and wretchedness, but you can prevent the weight from being intolerable, by distributing it, and extending it over the whole surface. The acts of 1797 and 1819, committed two open robberies—those robberies cannot be recalled, but you may contrive that the class last robbed should only suffer that violence to the same extent as was the fate of the one first attacked. You are fallen into that melancholy, disgraceful, odious, and horrible condition, that you must cheat somebody, therefore be considerate enough, in the midst of these horrors, to cheat all alike."

The second weapon against the hon. member for Essex—that is, the one which is next in favour with his opponents—is the circumstance, that the landholders did not complain of the change in the currency as long as the mortgagee and annuitant were affected, and that consequently it was not reasonable in them to complain now, when it was the turn of the other party to have the advantage. This was probably the first time it had been contended, that one class was to look after the interests of another, and, as far as the changes of the currency were taken into account, a rival class. It was certainly not according to the ordinary course of human affairs, that a party profiting by a particular state of things should be the most keen and acute in discerning that it was not according to strict justice. All experience, the nature of the human mind, and indeed common sense, pointed out, that if those who suffer do not ask for redress, nobody else would perceive that there was anything to redress. No more could be expected than that the party possessing an undue advantage should be ready to abandon it as soon as the case should be made clear. If the annuitants of 1811 had been conscious of their wrongs, and had called loudly for a remedy, and the landholders had refused an inquiry into their complaints, then undoubtedly, speaking of the landholders as a body, they would, in 1823, be asking for relief with a very bad grace. But it was a gross misrepresentation to say, that the landholders were any party to those proceedings; for, besides that the country gentlemen were entirely passive, and, as they generally appeared, merely servilely obedient to the ministers of the day—no more so than on most other occasions—and that moreover they of all others were blinded to the nature of the Bank Restriction act, the fundholders of those days obtained every advantage asked for by the motion before the House; for they got an inquiry. It was true they got no remedy; but that was because the House of Commons did not recognize the existence of any grievance; for the grievance was the depreciation, and the depreciation was solemnly denied. To put the landholders upon equal terms with the fundholders, they too must have the benefit of an inquiry; and, if the result of such an inquiry should be the same answer that was given to the fundholder in 1811, it might safely be said, that remonstrance would be heard no longer; for the House of Commons would never again dare to have recourse to such a combination of falsehood and absurdity, and the truth of the prediction therefore could never be ascertained. To vote, that the landholders had suffered nothing from the currency, which was in substance the vote carried with reference to the fundholder, would be to pass over again Mr. Vansittart's resolution. But, even if it were an admissible argument, that since the one class had been benefitted to the injury of the other during the war, the tables might now be turned without injustice, in that point of view, the landholders would nevertheless be oppressed, for the annuitants were only wronged during the war; but, as the standard of 1819 was to be permanent, the productive classes would suffer, not for a time, but permanently—and so there was no fairness in the reprisals made upon them.

The third argument was, that the attempt of 1819 was no more than what had been attempted formerly, and w had been happily accomplished. There could be no greater fallacy. Reference was made to the times of Elizabeth and William; but that was to compare two things wholly different. In former times, whatever debasement or reformation of the currency took place, was necessarily open and avowed: but, in the debasement of 1797, it was not so, and in 1811, it was absolutely denied; and by means of a servile House of Commons, it was to a great extent actually concealed from the public. Formerly, there could be no concealment, because the operation was a very clumsy one, being nothing more than cutting a piece off the guinea, when every man, of course, perceived its diminished size, or substituting some baser metal for gold or silver, which was at once apparent in the altered colour of the coin. The ingenuity of our times had discovered an expedient, by which the same end might be accomplished more silently; for by means of paper, as the appearance remained the same, the effrontery of a government might be sufficient to keep the people in ignorance of what had happened. As long as such things were done in the face of day, individuals were able to provide against the consequences, and such, history informed us, had become a regular practice; but, during the late depreciation of the paper currency, the people were deprived of that resource, because, confiding in the House of Commons, they believed there was no occasion for it. Some few had the presumption to go counter to the expressed opinion of the House of Commons, and being firmly persuaded of the existence of depreciation, took the precaution of stipulating in their lease to receive the rent partly in kind. But of such prudent foresight, the instances were rare. Another great distinction between the late restoration of the currency, and that of former periods was, the vast difference in the transactions of the country; and it was evident, that the extent and complexity of the mischief must depend upon the number of debtors and creditors.

Another characteristic of the late depreciation was the universality of it; for, as the currency was entirely paper, there could be no exception to the change; whereas, former debasements were partial; for if the silver was deteriorated, the gold was untouched, and *vice versâ*. Thus, in former times, there was a security against this fraudulent policy, as plain and certain as the index was, by which it was open to detection. The sudden difference between gold and silver in the market, pointed out to the public the violation of the most sacred engagement by which a government can be bound. If a given quantity of silver would not purchase the same quantity of corn that it had procured a short time before, while, by taking gold instead of silver into the market, the price appeared unaltered, then it was clear to the meanest capacity, that the rulers of the country in which that phenomenon appeared had been exercising the privilege of the executive to deteriorate the silver coin. Undoubtedly, pending transactions were more or less affected by that circumstance. But it was known to what extent this artificial depreciation had gone, and contracts were made with reference to the standard as it existed in its purity. In the depreciation of the late war, the public had neither such an index nor such a security; for, as the currency was entirely of paper, of course no means of comparison could be had, and for that mode of payment, no convenient substitute could be found. It would have been necessary to resort to the simple but cumbersome practice of early and barbarous ages, before the advantage of using the precious metals was known, when oxen and sheep were the media of exchange. Unluckily, even this miserable protection was not open to the British public; for its inherent respect for authority aiding the wretched sophistry of the day had so blinded and bewildered half the nation, that half at least, of the persons with whom an individual wishing to stipulate against a further alteration of the currency would have had to deal, would probably have been persuaded to attribute the rise of price to nothing but an increased demand for the particular commodity in question. The mischief of this fatal policy was still further aggravated by the circumstance, that from the nature of a paper currency, the facilities for loans increased in the same proportion that they became more ruinous.

Next, as to the injustice that would be committed by any alteration in the bill of 1819 upon all who have entered into any money engagements since that period. It certainly could not be denied, that some injustice in this way would be the effect of a modification of Mr. Peel's bill, and every year such a measure was delayed, the objections to it would become stronger. The session before last, when a similar motion was made by the hon. member for Taunton, the balance of advantages would have been greater in favour of that measure, than last year when it was brought forward by the hon. member for Essex; and the hon. member for Essex undoubtedly could not consider his motion of 1823, as salutary as that of 1822. Every year the objection to such a measure became stronger; but the weight of such an objection had not yet become sufficiently strong to overturn the justice and expediency of the motion. For, as he had already observed, the whole question was, by what course the greatest sum of injustice would be avoided? The currency once tampered with, perfect justice was no longer within reach. Undoubtedly, contracts since 1819 would be disturbed, which would be a hardship deeply to be regretted, but which was chargeable only on those who first violated the standard, and set at defiance the principles of an upright policy. In repairing such evils, injustice must be done; but that was the misfortune and not the fault of those who undertook the task. To make the remedial measure fair, it would be necessary to do less than justice to some parties, and to do absolute injustice to others. This was the most heart-rending circumstance in this vast and complicated evil. The consideration, however, of the fraud that would be committed upon creditors of the last three years was alleviated not a little by what he believed to be the fact, that persons had been unusually cautious in their contracts, and not inclined to enter into any—owing to their distrust in the restored standard [Here Mr. Huskisson cheered]. He perceived, by the cheer of his right hon. friend, that he did not concur with him in this opinion. He thought, however, he could diminish somewhat of his right hon. friend's confidence, by reminding him of what had occurred the last year to his right hon. friend himself. It would be in the recollection of the House, that the right hon. gentleman, then first commissioner for the office of Woods and Forests, had moved, as an amendment to the motion of the hon. member for Essex, that the House would not alter the standard, meaning, beyond a doubt, to discountenance the notion, that the standard would ever again be interfered with. Of his meaning there could be no doubt; for in the course of his speech he told the House that his object was, to follow the example of that great man Mr. Montague, who was chancellor of the Exchequer to king William. What followed was curious indeed. For when the hon. member for Callington taunted the ministers upon their blind presumptuous policy, in proposing so rash a resolution, under the difficult circumstances of the country, the noble marquis then at the head of the government, by his answer, entirely overthrew the plans of the mover of the amendment; for he said he considered the meaning to be only, that the House would not at that time alter the standard—which was manifestly at variance with the intentions, and completely subversive of the views, of his colleague. The mention of this fact could not but be regarded as a pretty decisive answer to the cheer of his right hon. friend; for, if the leading minister of the Crown had not sufficient confidence in the standard to support the resolution alluded to, what sort of confidence could be expected from the public? By lowering the standard, they would undoubtedly defraud those who had become creditors since 1819; but as the only just principle was, to see that as few as possible were defrauded, and that all the king's subjects bore the burthen alike, the House could not properly be deterred from the measure, by consideration for the comparatively few contracts entered into, since the passing of Mr. Peel's bill. It was a principle admitted on all hands, that when a currency was once tampered with and had become disordered, it could only be restored, with perfect justice to all parties, by fixing upon that point for a standard, where during the depreciation it had continued the longest. If, therefore, the standard had been departed from only for a few years, justice was on the side of returning to it; but if for a long series of years, then it would be as flagrant an injustice to return to it, as it originally was to depart from it. This doctrine had been well expressed in the debates on the Bullion question, by two gentlemen who were decidedly of the party called Bullionists, and who could not be considered as men of visionary or unscientific notions. Their language was, "return to the standard forthwith, for if it is delayed, it will be impracticable and unjust to do so." So that those stout Bullionists gave it as their impartial opinion—for the question had not then arisen—that what has been since done by Mr. Peel's bill would be unjust; and yet the thoughtless cry of the present day was, that the advocates for a repeal of it were dishonest politicians. The two gentlemen he had alluded to were Mr. Henry Thornton and Mr. Sharp. The passage in Mr. Thornton's speech had been read to the House early in the session, by the hon. member for Norfolk; but as it had been brought forward at not a very favourable moment, and appeared a most important auxiliary to his side of the question, he would also take the liberty of reading it. Speaking of the important subject of the standard of our currency, Mr. H. Thornton said,

"There was great danger of our finally departing from it, if we suffered the present depreciation of our paper to continue. The first resolution of his right hon. friend appeared to him to be liable to the construction of laying in some claim to depart from it, if such a measure should hereafter be deemed expedient; for it asserted the king's right to alter the standard; and the very mention of such a right when the temptation to exercise it was occurring, might naturally excite apprehension among the public. Indeed, the argument in favour of a deterioration of our coin (or of a change of its denomination, which was the samething) would, while the present state of things continued, grow stronger every day. To change the standard when the paper has been long depreciated is only to establish and perpetuate a currency of that value to which we already are accustomed, and may also be made the means of precluding further depression. The very argument of justice after a certain time passes over to the side of deterioration. If we have been used to a depreciated paper for only two or three years, justice is on the side of returning to the antecedent standard; but if eight, ten, fifteen or twenty years have passed since the paper fell, then it may be deemed unfair to restore the ancient value of the circulating medium, for bargains will have been made and loans supplied, under an expectation of the continuance of the existing depreciation. If therefore we were earnest in our professions of attachment to the standard, we ought not to place ourselves in a situation of irresistible temptation. By the present decision of the House the question of adherence to the standard might be determined."

Mr. Sharp said, "Let parliament be cautious not to allow the proper moment of interference on this most important subject to escape. At present the water was fordable; soon it would be a mighty and impassable sea."

So, if Mr. Henry Thornton were alive and in the house, the hon. member for Essex would probably have had the benefit of his assistance. It appeared then, in all these points of view, that the sufferer from the Cash-payment bill had a claim for relief. And, if the House should be of opinion that justice pointed that way, could there be a doubt how expediency would enjoin them to act? As to the expediency of providing a remedy there were two great subjects for consideration. One was, the revolution which, to a great extent, would otherwise take place in the landed property of the country. The other was, the situation of the country with regard to foreign powers. As to the future condition of the landowners, the most sanguine probably could scarcely imagine that, if prices continued at the rate of the last two years, it would be impossible for the generality of them to preserve their stations in society. Those whose estates were much incumbered would be forced to content themselves with a very small portion of their former property, selling the greater part for that low price which would be the necessary consequence of a market glutted by an excessive and universal distress. Those who are usually called the monied men would step into these ancient possessions of the landed gentlemen, and the unfortunate sellers would become obscure residents in those foreign countries where the wreck of their fortunes would be sufficient just to maintain themselves and their families. He would not here argue the question, whether such a change would be injurious to the country at large. He was ready to admit, that it was a matter of reasonable doubt what would be the result to the general interests of the community. If those who were in possession of the land should be swept away, a new race would succeed them and the soil would equally be cultivated, and, looking at the abilities and industry of those who formed the strength of the monied class and into whose hands the land would fall, it was impossible to deny that, in some respects, the change would be advantageous. Whether, therefore, it would signify to the state at large that the distressed landed proprietors should be left to their fate he would not argue, but would assume that such would be an evil. And let men differ as they might upon that point, it was hardly possible for them to doubt, that there could be any other result from the continued supineness of the country gentlemen than the total disappearance of many of them, and the degradation of most that should be left.

Still, however, it was evident, that the delusion about high prices remained. The absurd hope still existed, that in the new currency those average prices might be obtained, which had never been known except in periods of scarcity or of a depreciated currency. This hope had been kept alive and had received new vigour from the rapid increase of the last two months. This symptom of bad times the unhappy farmers had mistaken for the forerunner of good; and their blindness, equal to their misfortunes, had led them to suppose, that the price of 60*s.* prevailing in the month of June amid all the speculation arising from the war in Spain and the certain lateness of the harvest might nevertheless be permanent. By some unaccountable mode of reasoning they inferred, that what according to all appearances was the maximum was to be counted upon as the average, and forgot that, to give prosperity, above sixty shillings should be the average of the whole year; whereas it had in reality been about forty. If, in their delirium of joy at the late rise, the country gentlemen, of whom not one was present at an early period of the debate, could be prevailed upon to attend to some facts calculated to damp their sanguine expectations, he would read an abstract of the average prices during periods of war and peace, from the Revolution to the commencement of the late war—

The price of wheat was, from 1688 to 1792, divided into periods of war and peace, on the average—

					£.	*s.*	*d.*
During the war of Revolution	from	1688	to	1697	2	10	8
Peace of Ryswick	——	1698	—	1701	2	12	6
War of Spanish Succession	——	1702	—	1712	2	4	11
Peace of Utrecht	——	1713	—	1739	2	0	4
War of Flanders	——	1740	—	1748	1	15	5
Peace of Aix-la-Chapelle	——	1749	—	1754	1	18	2
War of American Boundaries	——	1755	—	1762	2	1	10
Peace of Paris	——	1763	—	1774	2	9	5
War of Revolted Colonies	——	1775	—	1782	2	1	11
Second Peace of Paris	——	1783	—	1792	2	6	2

Making on the average the price of wheat in peace greater than in the preceding war considerably more than five per cent.

So, to the surprise probably of the great bulk of the country gentlemen, war perhaps had a tendency to lower rather than to raise prices, and therefore threw them upon the state of the currency as the only solution of the great change they had experienced.

But, however indifferent it might be considered whether the old landed aristocracy should be displaced and the vacancy supplied by a new set of men, no one could dispute the importance of putting the country into a condition to undertake a war. That it was very far from being in such a condition he was perfectly convinced. He did not mean to say that, if the honour and safety of England were in danger, the resources of the state would be insufficient to enable it to engage in a war and to carry it through with as great vigour as distinguished it in the last contest. But nevertheless it was impossible not to be aware that, for all purposes not immediately British however much they might be so indirectly, the country was utterly unfit to go to war. If an invasion was threatened or a colony was taken possession of, there would, he doubted not, be perfect alacrity to take up arms against any enemy or any number of enemies; because, all private interests would be forgotten for the general welfare; and indeed the ultimate benefit of those private interests themselves would require it. But, at the same time, the particular interests of certain classes would be placed in such jeopardy by war, that no ministers would venture to recommend it, unless they could shew that the honour of the nation would be affected by remaining at peace. It would be quite in vain to hold forth to the public upon the vast importance of preserving the balance of power, and of not departing from the policy pursued ever since the Revolution. Those objects were, in truth, essentially British, but they were indirectly so, and the question admitted of dispute. He would ask, then, why it was, that in possession of the greatest resources the country could ever boast, there nevertheless never was a time when nothing far short of the last necessity could drive the nation into war. The undeniable answer was, it is crippled by the debt. The debt was a fetter from which there was no extrication whenever a commanding attitude was necessary. Every minister must feel that there was no such chance for his overthrow, and for the success of his political opponents, as the chance of a financial convulsion; which was scarcely a matter of doubt, if we should ever be engaged in an extended war. The ministers therefore would naturally be pacific, because they knew that war would in all probability be fatal to their power. The two great classes in the state, in point of influence, were the landholders and the fundholders. The fundholders would be against war, as long as it could be avoided by any means; because the inevitable consequence would be, a reduction of the debt by some means direct or indirect, if the contest should be at all protracted; and if on the other hand the struggle should be short, and a bankruptcy avoided, then the debt being augmented and additional burthens falling on the landholders, as they could scarcely support the pressure of those they had now to maintain, they would in that case be altogether overwhelmed. The landholders therefore were opposed to all warlike schemes, almost as much as the fundholders; though not with the same warmth or so universally, as he was sorry to perceive; for no one could disguise from himself, if he had observed what had passed in the last two or three months, that war would not be ungrateful to some of the distressed agricultural districts, because they foresaw from it a relief from, instead of an addition to, their burthens. Such a motive could not be too strongly condemned. The necessity for reducing the national debt might become unavoidable—the justice of the reduction might be indisputable—the fundholder himself might be anxious for it—but, however forcibly those considerations might press, it would be a ruinous measure if adopted on the arising of a supposed emergency. If ever it should be resorted to it could only be with honour and advantage, on a clear demonstration of the justice as well as necessity of it, after a fair hearing of all sides, and a dispassionate examination of all opinions. The breaking out of a war would be no moment for a dispassionate inquiry. The thing itself might be just, but necessity and expediency would take the precedence of justice, and whether the justice of the case would authorize it or not, the season would be so suspicious a one, that it would have all the effect of an arbitrary spoliation. Such a calamity, no one could dissemble from himself, must be impending over the country, if a blow should be aimed at its honour and safety, if this new standard of value was to be adhered to, as unjust, in his opinion, as he was sure it would be impracticable to maintain in the event of an extended war, unless some great change should take place in the value of the precious metals—which was not unlikely, and the chance of which was our only hope—from the late events in South America. But then he feared that such a change, to be effectual for this country, must be almost such a one as is described by an ancient historian, who relates that silver, all of a sudden, became as plentiful as stones. This, then, when there was at least no immediate danger of a war, was the time for satisfying ourselves as to the justice of the present standard; for if we discovered it to be unjust, we could alter it without suspicion, and if we discovered it to be just, we should more cheerfully struggle to maintain it, and our difficulties would be half overcome by the very consciousness that he could not honestly decline to encounter them.

It was impossible, the noble lord said, to mention the general subject of war without referring to the state of things on the continent, since that had the most intimate connexion possible with the present discussion; for upon Mr. Peel's bill depended the question, whether the influence of England should be every thing or nothing at all on the continent. He was firmly persuaded that if the currency had been fixed at a juster standard, the interference of France in the affairs of Spain, so unfathomable in its consequences to this country, would not have taken place.

In the face of England, protesting and menacing that great blow at her interests, that daring encroachment on the rights of nations would not have been ventured upon by the fanatical rulers of France. That, from his own observation in the course of the winter at Paris, and he believed he had been in the way of pretty good information—he was confident was the opinion of all parties there. On the character of that interference, there was little variety of feeling in the British people, though as to the great importance to us that the French government should be thwarted and that its wicked hostility to liberty should recoil upon the authors of this cruel invasion, opinions were more divided. How, with the experience of history to guide us, it was possible to entertain a doubt of this kind he could not comprehend. It had been hitherto the general opinion among English and French politicians, that the alliance of Spain was of the greatest value to France, and made her most formidable to England. To doubt this, one must forget that the combined fleets of those two nations had swept the channel, and that all former maritime coalitions against us were very inferior to what we must expect to see arrayed against our ascendancy some day or other. If the French government should succeed in re-establishing the despotism of Spain, nothing could be more certain, than that Spain will become, what she has always been since the treaty of Utrecht, the mere satellite of France. Family interests will be predominant, from the natural inclinations of the two branches of the house of Bourbon; but a much stronger tie would be, that as the restored despotism of Spain would owe both its restoration and its prolonged existence to the French Bourbons, the interests and wishes of the Spanish nation would go for nothing in the direction of affairs, and such a Spanish government would never dare to decline, whenever it might suit France to drag her into a contest with this country. And when it was considered what a vast additional danger would arise to England from the mere necessity of watching and blockading such a length of coast as the coast of Spain, it seemed not easy to exaggerate the importance to France of having Spain for a certain friend instead of a natural enemy. He thought it therefore matter of the deepest lamentation, that we had not stepped forward in defence of a cause that it would have been both honourable and wise to defend, had it not been for our peculiar circumstances with regard to the debt. He could not believe that any English minister, whether Tory or Whig, would have consented to remain a passive spectator of these occurrences, or that he would have confined himself to despatches politely written, if the public debt had amounted to no more than such a comparative trifle as 400 millions instead of 800. But, considering as he did, that war was out of our power, consistently with a due regard for the fears of those two influential classes, the landholders and the fundholders, he felt that the government had taken the only course open to them, and had not allowed the country to be unnecessarily lowered in the eyes of Europe. He fully admitted and bitterly deplored, that the country did not fill that high situation it had a right to; but that was not any fault in the spirit or ability of the administration, for it was the necessary result of our glorious return to the ancient standard of value, and the disguised and intolerable addition to all taxes and burthens which that measure had entailed upon us. Of this defence the government could not avail itself on the late discussion of the negociations; for the leaders of it in the two Houses, compelled by their situation as they probably thought, had taken a lofty tone, and had declared, that the country had never been better prepared for war; which boast every one must feel, if the safety of the fundholders were considered, to be nothing but a ridiculous rhodomontade. And, as nothing could be more disparaging to a country than to remonstrate without being ready to support its remonstrance by arms, he felt a most conscientious conviction that the government had taken the best line for the country, and that his right hon. friend, to use a sporting expression, considering he had a jade to ride had rode the race skilfully. But, perhaps, there was still a greater mischief behind, which was the knowledge on the continent, that financial embarrassment was the real key to our present policy, and the encouragement which that reflexion held out for wicked and ambitious enterprises. The whole history of England, and the well-known character of its people, marked at once to every foreign government, that nothing but financial considerations could have restrained the impulse every true Englishman felt on the promulgation of the horrible sentiments in the French king's speech to the Chambers. They all knew full well that there was but one check to that impulse —600 millions of debt borrowed in one currency, and to be paid in another. The state of our finances had been perfectly understood from that instant, and had become matter of congratulation to the despot and of grief and dismay to the oppressed.

To all this it might be replied, that however lamentable this state of weakness might be, there was no hope of any remedy from the labours of a Committee on the Currency, and however great the mistake of 1819 might be admitted to have been, there was now no mode of repairing it. He was convinced there was no such occasion for despondency, and that the remedies were several, and one, indeed, easy and obvious. The nature of them it would be rather premature to enter into, because the evil to be remedied was not yet acknowledged; and besides such details were of course the peculiar province of a committee. Possibly the House might resolve, as a former House of Commons had done, that a Bank note and a shilling had been always equal to a guinea; and then, undoubtedly, there would be nothing to remedy, and the efforts of the hon. member for Essex would be extinguished in the most decided manner. In case of a more satisfactory result than such a one as he had anticipated as possible, he could not sit down without briefly mentioning the various modes of relief to which he looked. First came the expedient of an adjustment of contracts, that had been so much decried, to which the noble lord, the member for Salisbury, looked with so much confidence, that, as it was understood, he intended to propose an amendment to the motion of the hon. member for Essex, for the purpose of narrowing the question to the merits of that particular remedy. He (lord T.) would not say more upon it, because he hoped the House would have the advantage of hearing that noble lord upon all the bearings of it. If he thought it practicable he would prefer it to every other plan, because by it alone would perfect justice be obtained. Not being very sanguine that such a plan could be carried into effect, he was more inclined to what would naturally be the proposition of the hon. member for Essex—namely, to alter the standard, and to place it at some point between 3*l.* 17*s.* 10½*d.* and 5*l.* 4*s.* Another remedy would be, to put out a sort of government paper, depreciated in different degrees, in which contracts of certain debts should be payable, and salaries that had been regulated at certain times. For the latter part of the arrangement, he should consider himself bound to begin with his right hon. friend, the president of the Board of Trade, as he was so ambitious of following the example of Mr. Mountagu. But, if no such extensive remedies were thought practicable, there was one of a smaller description, about which there ought not to be a moment's hesitation—he meant, to alter the standard from gold to silver. This measure would at once diminish the burthens of the country five or six per cent; and it would be absurd indeed, as well as criminal, to make light even of so small an advantage as that. He was sure it would attract the favourable attention of the House to this minor remedy, to mention, that it had the support of a noble marquis in another place,* who, early in the session, had declared himself strenuously in favour of it.

The noble lord then said, it had just occurred to him, that he had left unnoticed what had struck him as a very singular observation of the hon. member for Portarlington [Cry of Question, and Hear, hear!]. He would compress this last observation within the smallest possible limits. That hon. gentleman had said, that he could not see how an alteration in the currency was to assist the country in meeting a war. He (lord T.) was astonished at that observation, for the answer seemed obvious and undeniable. If the currency were to be depreciated 25 per cent, then the burthens of the people nominally remaining the same, would, in reality, be reduced 25 per cent, and that proportion would be disposable for the objects of the war without any fresh imposition of taxes. If such a depreciation were to be brought about without regard to justice, then, in his opinion, not only there would be no advantage at all, but, from the shock to public credit, the disadvantage of such a proceeding would be equal to the dishonour of it. Whether such a measure would be consistent with justice, was the great point in dispute, and that to which a committee would first devote its attention.

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* The marquis of Lansdown. See vol. 8, p. 28.

He would now detain the House no longer than to remind them, that to reject the motion would be to decline taking into consideration a subject the most momentous, and of the most anxious interest that had ever pressed itself on their attention. With reference to the foreign relations of the country, prudence and the national honour would manifestly recommend it; but, if the government and the parliament had come to the painful resolution, that England must consent to abandon for ever the lofty station she had so long held among the nations of the world, he trusted the House would think it worth while to take the course pointed out by his hon. friend, in order to avoid that great revolution in the landed property which must otherwise take place; and he would intreat the ministers more especially to reflect what their duty was to that great body of men, who had kept a Tory administration in power for near sixty years, and who, however they might have served their country, had at least served faithfully and zealously his majesty's present ministers and their political ancestors—the country gentlemen, whose very reproach to the rest of the community was their tame and undeviating acquiescence in the measures of all governments, whatever those governments might happen to be, and whatever they might choose to propose, and who had a claim therefore on their rulers for compassion; but if those rulers were deaf to the calls of gratitude, and dead to all sense of what they owed to that great, important, but much abused and long suffering portion of their countrymen, he would beseech them to pay some regard to their own doctrines of the horror of all revolutions, and he would suggest, that those who contemplate with the utmost alarm the smallest innovation, if it was to affect the salary of a public servant or to injure the influence of a Borough proprietor, should not wholly disregard so extensive an innovation as this, which was to sweep from the face of the land its present possessors, consigning them to beggary and to exile; and, as a large portion of the present ministers had given proofs of energy and of a readiness to encounter difficulties, when their own individual interests had been at stake, he trusted that they would not entirely neglect the interests of that great body of men whose existence was at stake—that they would not be altogether indifferent to the fate of that class—that they would not shrink from the task of saving it—and that they would set about redeeming past errors with some decisive and spirited proof of a genuine love for their country.

Mr. *Baring* said, he must deny that the present was a question which interested only one or two classes of the community. On the contrary, he considered it to be a question of the utmost importance to all classes of society, and he was anxious to state his opinion upon it, because he wished to account for what might appear to be an inconsistency in his conduct. Having, three years ago, when the question of the currency was under consideration, made a proposition to the House of a similar nature to that now made by the hon. member for Essex, it might be asked, why, three years later, he should feel it his duty to oppose the inquiry now called for. The noble marquis who had just sat down, had, in a very few words, pronounced his (Mr. B.'s) defence, when he had said, that in the question of currency "time was every thing." And he would say, that the extract which the noble marquis had read from a speech delivered, in the year 1811, by that excellent and able man, Mr. Henry Thornton, explained exactly the principle on which the question now rested. It was impossible for any man to state precisely, that three, or four, or five years should be the determinate time, after which a currency that had been tampered with, should be restored to its original value. It was essentially a question of time—not limitable to any specific period; and if a legislature had been so unfortunate as to tamper with the currency of a country—whether they should afterwards return to the course from which they had departed or not, was entirely a question of time. Supposing that position to be generally admitted, if an alteration were made to any certain amount—to the amount of 15 or 20 per cent for instance—in the currency of a country, it would become a matter for argument, whether it would not be better to leave it on the principle of depreciation, rather than to return at once to the old standard. He was of opinion, however, that, though a committee at present would do no good, the hon. member for Essex had conferred a benefit on the country, in different ways, by the agitation of the question. In the first place, the numerous meetings throughout the country had induced the people to believe, that the interference of the legislature was called for with a view to the alteration in the currency. Now, when such an universal feeling prevailed from one end of the kingdom to the other, it became necessary for that House to discuss the subject. He disapproved of the remedy which had been proposed by the committee of 1811; and, looking to the reasons on which that remedy was founded, he thought no practical wisdom had been shown by that part of the House which had supported it; because, if any measure could be more absurd than another, it was—in the midst of a war—in the midst of the fluctuations of money occasioned by loans—to ask the Bank to resume its payments in specie. It appeared that, in proportion to the difficulties of this question, individuals were peremptory and obstinate in their opinions. The question was not now settled, much as it had been discussed. Every one who had spoken or written on the subject, had treated all those who opposed their theory as dolts and fools. It would have been wise if that House had passed a resolution, stating that this was a question of very great difficulty, and that no party had been found who could show them the way out of it. Many gentlemen would doubtless ask, "What is the use of these discussions—what is the good of showing that one-half of the people have been deluded by the other?" It was a most important duty to do it. In the first place, it was always useful to hold up truth and sense to public view; and it was of the greatest possible advantage—not that they should leave no lights and no land-marks behind them—but that they should not leave any false lights; that they should not be instrumental in preserving any deceitful land-marks, to puzzle and lead astray posterity. When those who came after them looked back to what had occurred within a few years, they would find a resolution on the Journals of the House of Commons, at which they must laugh; but which would appear as gravely on the pages of those Journals, as if the whole wisdom of parliament had been consulted in drawing it up. Therefore it was proper, that the opinions of the contemporaries of those who formed that resolution should be clearly and distinctly known.

The right hon. the president of the Board of Trade (Mr. Huskisson), whose sentiments on this subject had been extremely orthodox when he was out of place, but which were no longer so now he was in office, instead of inserting on the Journals a resolution reprobating any attempt to tamper with the currency of the country, contented himself with a simple declaration, that it was not expedient to make any alteration in the currency. Then, let them look to the writings of his hon. friend, the member for Portarlington, who had asserted opinions which held extremely cheap any statement, that the alteration in the currency had produced the distress which had been complained of. Posterity would assuredly be more acute than he was, if they understood perfectly what his hon. friend meant.—He would not consent to go into the proposed committee, because it would be unjust to the country to hold out expectations which could not be realized; and because he thought that parliament, when it conceived it to be the interest of the country to bolster up the paper currency for the purpose of carrying on the war, had done so with a feeling of perfect good faith. He admitted, that the system had been detrimental to many—and especially detrimental to the most helpless part of the community; because there were few evils with which the generality of people were less conversant, than those which arose out of a tampering with the currency. The great body of the people had proceeded on the principle which had been referred to by the noble marquis—that a Bank-note now was just as good as a Bank-note at any former time: they conceived, without any thoughts of the future, that they were receiving a full equivalent for their gold; but they now discovered their error. While, however, he admitted the great evils which the system had produced, he was willing—considering the period which had elapsed—to put up with all the inconveniences that were now felt, rather than have recourse to what had been called an "equitable adjustment." He was well aware of the baneful effects which this tampering with the currency had had upon the principal families of the kingdom. He did not think the noble marquis, who had stated in such forcible language the grievous injury which that tampering had inflicted on the aristocracy of the country, had at all overrated it. On that aristocracy he had no claim; but still he thought that it ought to be upheld. There was not, he believed, a private family in the kingdom, which had not been impoverished in some degree by the system. He himself knew instances in which large nominal fortunes were left to the elder sons of respectable families, which fortunes were not sufficient to discharge the incumbrances. And, if that was the case with great fortunes, how stood the farmers throughout the country? Their situation was necessarily still worse. Many of them who had laid aside money to purchase land which they had partially mortgaged, had been entirely ruined by the speculation. Numerous families had been reduced to beggary, without perceiving the invisible hand which had struck them down. That much misery had been created by tampering with the currency, was generally admitted. It was, however, in a great measure, denied by the hon. member for Portarlington; and, where his hon. friend did allow that any wretchedness had been thereby created, it was accompanied by so much of argument on the other side, and so little of feeling for those who had suffered, that it absolutely went for nothing. Indeed, his hon. friend appeared to be ignorant, that this tampering with the currency had been the great cause of the distress which had been experienced. Then, as to the question of depreciation, if it could not be brought, like Mr. Mushet's calculations, to a table, his hon. friend would not admit it to exist at all. On that evening he would hear of nothing but the difference between gold and paper; but he (Mr. Baring) would contend, that there had been a depreciation of the precious metals themselves, in consequence of the issue of paper, when they came to turn out all the gold and silver from England into the market of the world.

The hon. gentleman then proceeded to trace the depreciation in the value of money, from the discovery of the mines in America down to a much later period, when an abuse of the banking system was acted upon extensively by Russia, Austria, Denmark, and the United States of America; and contended, that the difference between gold and paper was no criterion of the prevailing distress, as had been asserted by the hon. member for Portarlington. All those depreciations, of one sort or another, had been the result of an extravagant paper system; and, whether it was a depreciation of gold as compared with paper, or of paper as compared with different commodities, it was manifest, that the same injustice had been committed. When he had moved for a committee, he wished that committee to go into an inquiry as to the state of the silver currency, unembarrassed with any other question. The Bank, he believed, if his advice had been taken, would have placed the country in its present situation, without any additional issue of paper.—The hon. member then argued, that the reference made by the hon. member for Portarlington to the duty on the probate of wills, as a proof that property had not depreciated, was fallacious. The probate duty arose from personal property, and that property was chiefly in the funds. Individuals who had purchased at 60, might at their death leave a property which would sell at 70 or 80. The produce of the stamp duties was an equally unsafe criterion. It was true, the amount of those duties had increased; but that was a proof of distress rather than of prosperity. In the year 1817, the injury to property caused by the depreciation fell with intense severity on the manufacturers; and there was a general sweep of the middle class of traders into the gazette; but a new race speedily sprung up, while the agricultural classes were, from their situation, doomed to endure a more lingering misery.—As to the question of equitable adjustment the thing was utterly impracticable. Where one man had got too little, and another too much, they would find it impossible to go to the latter and tell him to give up a portion of his property to the former. That property had long since got into other pockets; and, with all the industry and ingenuity in the world, they would not, at the end of fifty years, have got through any single parish in England. After all, the difficulty was to be traced to private debts and incumbrances. For no agriculturalist would tell them that, if he were even relieved from one-third of his debts, that relief would enable him to go on.

Before he concluded, he wished to say a word or two on the question of a silver currency. When the subject was agitated in a committee of that House, he had endeavoured to convince them of the propriety of having a double standard. He had argued, that it would be a great security against any future deviation from a metallic currency. Under the present system of a gold circulation, he did not think, if the country were again involved in a war, that two campaigns would elapse, before all the commercial classes at least, would call out for a return to the happy times of a paper money. But, if the circulation was placed on the broader basis of two metals to the currency, there would be less danger of resorting again to the paper system. It should be recollected, that since the return to cash payments, the country had not had any difficulties to contend with. We had uniformly had good harvests, and had, on no account, been obliged to send gold in extraordinary quantities out of the country. If, too, the Bank had two currencies to work with, it would greatly facilitate its operations, in case of a demand for the precious metals; as there was no country of Europe in which silver might not be had, in the event of a run upon the Bank. In his opinion, if we had remained in the state we were in before the conclusion of the war, silver would have become the standard of the country. These considerations induced him to think, that a silver standard of currency would be a security against war.

Upon the whole, whatever propriety there might have been in bringing forward a motion for going into a committee, before we had returned to cash payments, he could not think that the adoption of it, after a lapse of four years, would be advisable. If the professed object of the motion had been to relax any of the inconveniences resulting from the change of the currency, it would have been less objectionable; but seeing that the professed object of it was the adjustment of all contracts, and that the inevitable effect would be, to unsettle the public mind and to derange the credit of the country, he could not consent to vote for the proposed committee. To interfere with existing contracts would be to do an act of great injustice, not only to the agriculturists themselves, but to all classes of the country. For, let it be borne in mind, that such a measure must necessarily include not only the old contracts, but those new ones which had been made since the restoration of a metallic medium. At the same time, in making these observations, he did not wish to be included among those persons who thought that no injustice had been done by tampering with the currency; and he would say, that the House and the country were much indebted to his hon. friend, the member for Essex, for having again brought the subject under the notice of the House.

Mr. Wodehouse was about to address the House, when lord Folkestone rose and observed, that as many members had yet to deliver their sentiments on the question, he should move an adjournment of the debate till to-morrow. The motion was accordingly put and agreed to.

HOUSE OF COMMONS.

Thursday, June 12.

Resumption of Cash Payments.] The order of the day being read, for resuming the adjourned Debate upon the motion made yesterday by Mr. Western, "That a Committee be appointed to take into consideration the changes that have been made in the value of the Currency between the year 1793 and the present time and the consequences produced thereby upon the Money-income of the country derived from its industry; the amount of the Public Debt and Taxes considered relatively to the Money-income of the country; and the effect of such changes of the currency upon the Money-contracts between individuals,"

Mr. *Wodehouse* said, that the subject had always appeared to him to be not only of infinite importance, but also one which was most imperfectly understood. He was aware too of the prevailing unwillingness to enter upon it; an unwillingness which had been increased of late by the consideration, that the extreme depression of price was, for the present at least, removed; and he would therefore have been content to have given a silent vote upon the question, did not the particular reference that had been made to him seem to require an explanation. Before, however, he entered upon that point, he was desirous of saying a word respecting the probable continuance of the improved prices, and though not conscious of being more inclined than other men to give way to unwarrantable alarms, yet, as the experience of a century seemed to exclude such a rate of price as could be said to be tolerably remunerative under our present circumstances, such for instance, as that which existed at the present moment, he confessed he found it extremely difficult to settle down at once into the certainty, that all our apprehensions on this score were finally removed.

It was true, as had been stated by the noble marquis on the former evening, that he (Mr. W.) was the first person who had used the term "equitable adjustment," which had afterwards been animadverted on by Mr. Cobbett. It was at a public dinner in the country, formed by gentlemen who had been supporters of the late Mr. Pitt, at which he happened to preside. Upon occasions of that nature, it was a matter of actual duty for any one placed in the situation in which he was placed, to state his opinions respecting public men and public measures, freely and without reserve. It was at that public dinner that he had declared his belief, that if Mr. Pitt had lived to the termination of the late arduous contest—looking to the enormous length to which it had been protracted, the immense sacrifices which had been made under it, and, above all, the mode and system on which it had been conducted—he would have been sensible of the entire alteration in the value of every thing that was the natural result of it. That he would have been impressed with the unavoidable influence of our national debt on the general state of our society—and, without the least idea of running down one interest, and upholding another, but simply with a view to maintain the just equipoise of all; would in some way have provided that a more equitable adjustment should have been effected. It was open to us to have done it, either by retaining a part of the tax on property, or by making an alteration in the standard of our money. We might have adopted either of those modes, or we might have adopted both. By rejecting both, we had brought a measure of suffering upon the country, of the extent of which even the wisest amongst us seemed to have formed a most inadequate conception. In such a light did the case always appear to him (Mr. W.), and every day's reflection served but to confirm him in the belief.

An allusion also had been made by the noble marquis to his having cited an opinion of the late Mr. Henry Thornton, the object of which was, to establish the justice of a departure from the ancient standard of value. He had selected the authority of Mr. H. Thornton, because the right hon. the present president of the Board of Trade (Mr. Huskisson), than whom no one was more competent to form a judgment had, in his celebrated Treatise, which he published in 1810, made mention of him, as a man who was a positive blessing to the country, from his extensive knowledge of this subject—"Not only a member unconnected with party, but one intimately acquainted with the whole business of banking, with all the details of commercial credit, and all the bearings of our money system: In this work" (*i. e.* in Mr. Thornton's Essay on Paper Credit published in 1802) "the reader will find the true principles of political economy united with the practical, I might almost say hereditary, knowledge of a well-informed merchant, and the extensive experience of a great London Banker." It would be difficult to find terms of more unqualified panegyric. We were frequently referred to the authority of the late Mr. Horner and the late earl of Liverpool, and it was always contended, that we had acted in strict conformity with the principles of Mr. Locke. It was idle, however, to cite great names, without a due regard to the altered circumstances under which we were placed. How could we be certain that Mr. Horner would have given the same counsel in 1819, that he had given in 1810? The annual weight of interest on the National Debt had been increased, in the interval, from being under 35 millions to nearly 44 millions. Was this a circumstance entirely to be overlooked? And then, with respect to Mr. Locke, unless we bore in mind that he lived anterior to the system of funding, by which the whole course of society throughout Europe had been completely changed, we might just as well quote the opinion of a man that was alive before the flood, and apply it to transactions that had taken place since the flood.

He was desirous of avoiding, as much as possible, all appearance of individual censure—particularly with respect to the right hon. Secretary (Mr. Peel) who had introduced the measure to parliament, and whose name it bore; feeling, in truth, that the country had great cause for satisfaction, that his Majesty had been pleased to call him to his councils, and to place him in the high station which he now filled—but he never could believe, that either he, or any of his right hon. colleagues, or any of those right hon. gentlemen by whom they were systematically opposed, ever were duly impressed with the nature of the work in which they were engaged; and that, wanting a clear insight themselves, they were too ready to listen to the suggestions of the hon. member for Portarlington (Mr. Ricardo), whose conclusions on this head appeared to him to be utterly incomprehensible. Never could he introduce that hon. member's name without feeling what was due to his talents, and also to his character; and, as this observation from himself must carry with it an air of presumption, perhaps he might be allowed to state in explanation, that he had sat with the hon. member for weeks on the same Committee, had differed with him on almost every point that had been started, but was so struck with the entire absence of all illiberal imputation, and such a manifest desire on his part of establishing only that which was fair, that somehow it was impossible not to have acquired a facility of communication, even with one so infinitely his superior. But, to believe that he had a clear perception on the subject of money, was utterly impossible. Let the evidence given by the hon. member before the Committees of both Houses of Parliament be looked into. Let the House take his actual expressions in 1819—"This question was of immense importance in principle, but in the manner of bringing it about was trivial, and not deserving half an hour's consideration of the House. The difficulty was only raising the value of the currency 3 per cent. We had nearly got home, and he hoped his right hon. friend would lend them his assistance, to enable them to reach it in safety. He would venture to state that, in a very few weeks, all alarm would be forgotten, and that at the end of the year, we should be all surprised to reflect, that any had ever prevailed at a prospect of a variation of 3 per cent in the value of the circulating medium."—Would any man of tolerable candour rise up and say, that this was the reasoning of a mind sufficiently impressed with the nature of that on which it was deliberating, and of a mind too, so capable of embracing any subject that could be offered?—There was another point on which the hon. member confessed that he was singular in his opinion, and one deserving of notice, from the striking contrast which it seemed to bear to that of Mr. David Hume, from whose Essays on Money, on Interest, on the Balance of Trade, and on Public Credit, more information might be derived, than from any other author perhaps that could be named. The point to which he alluded, related to the vast increase in the internal and external commerce of the country, which had taken place in the course of the last thirty years, and which the hon. member for Portarlington maintained "was totally independent of the increased issue of money, and was to be attributed to the improvement of machinery, and to the industry and ingenuity of our people." No one could feel disposed to underrate the industry and ingenuity of the people; but, let the circumstances be fairly weighed under which that industry was called forth. It had been remarked by lord Liverpool, in a speech which he afterwards published, that if any stranger had quitted the kingdom upon the breaking out of the war, and had returned to it on the establishment of the peace, the change that had taken place in the interval, would have seemed to him like a new creation. Our Agricultural Report spoke of the augmentation of the national capital as having been very great, though it "was at the same time much impeded by loans, and retarded by taxes." It was impeded at the rate of three and twenty millions annually in loans, and retarded at the rate of seventy millions annually in taxes: still, notwithstanding these impediments, and in despite of these obstructions, it increased beyond all former precedent. "If we look" said the Report, "to the permanent improvements that have been made, the bridges which have been built, the roads which have been formed, the rivers which have been rendered navigable, the canals which have been completed, the harbours which have been made and improved, the docks which have been created, not by the public revenue, but by the capital and enterprise of individuals; if we look at the same time to the unexampled growth of manufactures and commerce; the contemplation of this vast augmentation of the national wealth, defies all illustration by comparison with any former period of our history." Here, then, we see the extraordinary phenomenon, of an unparalleled accumulation of riches proceeding pari passu with an unparalleled operation of taxation. Could such an extraordinary result be brought about without the intervention of some extraordinary cause? What was that cause? Had the state of our law respecting money nothing to do with it? Had the facility of credit which that law afforded nothing to do with it? "Nothing whatever," says the hon. member for Portarlington,—"money is only the medium by which the borrower avails himself of the capital which he means ultimately to employ." These were his words. We had, then, availed ourselves of a capital of 800 millions—nearly 600 of which had, without any fixed standard of value, been borrowed and expended in the space of the present generation; that was, in the compass of one generation we had anticipated the resources of Heaven knew how many. All which the hon. member for Portarlington told us might happen without any commotion of any kind: the state of our society was not changed; that which we were wont to regard as the more settled part of our inheritance was not deeply affected; and all the difficulty which we now contemplated would, with a little good legislation, soon be "matter of history."—Where was the man that in his heart assented to doctrine like this? And how different was the reasoning of other writers as to the effect of an increased issue of money. "Country Banks," said Mr. Henry Thornton, "have been highly beneficial, by adding, through the issue of their paper, to the productive capital of the country. By this accession our manufactures have unquestionably been very much extended, our foreign trade has enlarged itself, and the landed interest of the country has had its share of the benefit. The guinea spared from circulation" [we had no guineas at all in circulation] "has contributed to bring home the timber which has been used in building, the iron and steel which have been instrumental to the purposes of machinery, and the cotton and wool which the hand of the manufacturer has worked up. The paper has thus given to the country a bonâ-fidê capital, which has been exactly equal to the gold which it has caused to go abroad, and this additional capital has contributed just like any other part of the national stock to give life to industry." Mr. Hume, in his Essay on Money, observes, that "the prices of every thing depend on the proportion between commodities and money, and that any considerable alteration in either has the same effect either of heightening or lowering the price. Increase the commodities they become cheaper, increase the money, they rise in their value." Again he says—"suppose a nation always to possess the same stock of coin, but to be continually increasing in its numbers and industry. It is evident, that the price of every commodity must gradually diminish in that kingdom, since it is the proportion between money and any species of goods which fixes their mutual value. Suppose four-fifths of all the money in Great Britian to be annihilated in one night, and the nation to be reduced to the same condition, with regard to specie, that it was in the reigns of the Henries and Edwards, must not the price of all labour and commodities sink in proportion? Suppose it were multiplied five-fold in one night, must not the contrary effect follow?" Then mark the inference. "It is evident, that the same causes which would correct those exorbitant inequalities were they to happen miraculously, must prevent their happening in the common course of nature, and must for ever in all neighbouring nations preserve money nearly proportionable to the art and industry of each nation." Are we not justified in speaking of the Bank Restriction act as equivalent to a suspension of the course of nature? And, if this primary cause be admitted, why is the fact to be denied?

Amidst the various publications of the day was one eminently deserving of notice, from the character of the author—a Speech of the right hon. the President of the Board of Trade, delivered last session, and published lately, headed by the title of "Equitable Adjustment!" In this the right hon. gentleman treated the idea of an alteration in the standard of money as "a measure which, if considered in a private light, he conceived to be synonymous to a plan for curtailing widows of a part of their fortunes, stripping orphans of a share of their inheritance, &c. and which, in a public point of view," he says, "is reprobated by all statesmen and all historians, as the wretched but antiquated resource of barbarous ignorance and arbitrary power, and only known amongst civilized communities as the last mark of a nation's weakness and degradation." Other persons had not thought it necessary to use such extraordinary vehemence, when discussing a subject of so complicated a nature; but, in a subsequent passage, the right hon. gentleman made a tremendous attack upon the hon. member for Essex, for having presumed to hint, that corn might be a better standard than gold. "Like most men" he says, "who claim to be exclusively practical men, and who rail at those whom they are pleased to designate as theorists and political economists, for no other reason than because they argue from principles which their adversaries cannot controvert, and proceed by deductions which they cannot refute or deny, the hon. member for Essex has himself launched into some of the wildest theories, and drawn his inferences from some of the most extravagant positions which were ever promulgated in this House. As the foundation and groundwork of his plan, he lays down in principle, that the standard of value in every country should be that article which forms the constant and most general food of its population; and therefore it is, that he fixes upon wheat. It follows from this principle, that wheat could not be the standard in Ireland. There, potatoes must be the measure of value. Whoever before heard of a potatoe standard?" Now, if it was such an egregious absurdity, why did the late Mr. Horner maintain, in so many words, that "the great paramount standard of all value was corn; the precious metals the practical measure, bread corn the real measure." That hon. gentleman cut no joke about the potatoe. The late lord Liverpool, too, in his famous Letter to the King on the state of the Coins, observes, in reference to the reign of queen Elizabeth, that "men of knowledge and foresight, became at that time sensible of the diminution of the value of money in general, compared with other commodities, and they began on that account to be convinced, that coins were not a correct measure of property when the value of them was to be estimated at distant periods. It was for this reason that, by the advice of Lord Treasurer Burleigh and sir Thomas Smith, then secretary of state, a method of estimating a portion of the rents of colleges by the value of corn and not of money was first introduced; in order to maintain the revenues of those colleges in a due proportion with the price or value of those necessaries of life in successive periods; so that such revenues might at all times be sufficient to answer the wise and laudable purposes for which they were intended." He then states the provisions of the act passed in the 18th year of queen Elizabeth, alleging that he "mentions this fact to shew that the great men of those days were not inattentive to the value of money or coins." To a certain extent then, we might plead also the authority of the late lord Liverpool in our favour. Again he says, that "the errors of all late writers on coins have proceeded from a perusal of the works of Mr. Locke, without observing, that the state of the coins was wholly changed from what it was when he considered the subject. It is probable, that if this great man had lived to the present times, he would have been sensible of the change. He would have applied his principles to the facts as they now exist, and would have drawn his conclusions in conformity to them." Now, it must be remembered, that there were two treatises written by Mr. Locke; that his controversial Treatise with Mr. Lowndes was written some years subsequent to the former. At the close of his last work, he alludes to the former, as containing his principles respecting the theory of money. Prefixed to it also is a letter to lord Somers, in which he refers to it, as setting forth "principles which he sees no reason to alter. They have their foundation in nature" says he, "and will stand: they have their foundation in nature, and are clear; and will be so in all the train of their consequences throughout the whole of this (as it is thought) mysterious business of money, to all those who will be but at the easy trouble of stripping this subject of hard, obscure, and doubtful words, wherewith they are often misled and mislead others." Now, what were the principles which Mr. Locke inculcated? That "they who consider things beyond their names will find that money, as well as all other commodities, is liable to the same changes and inequalities; nay, in the respect of the variety of its value brought in by time in the succession of affairs, the rate of money is less capable of being regulated by a law in any country than the rent of land. Money, whilst the same quantity of it is passing up and down the kingdom in trade, is really a standing measure of the falling and rising value of other things in reference to one another, and the alteration of price is truly in them only. But, if you increase or lessen the quantity of money current in traffic in any place, then the alteration of value is in the money; and if at the same time wheat keep its proportion of vent to quantity, money, to speak truly, alters its worth, and wheat does not, though it sell for a greater or less price than it did before. For money being looked upon as the standing measure of other commodities, men consider and speak of it still, as if it were a standing measure, though when it has varied its quantity, it is plain it is not." Wheat therefore, he says, "is in this part of the world, the fittest measure to judge of the altered value of things, in any long tract of time. But money is the best measure of the altered value of things in a few years, because its vent is the same and its quantity alters slowly." Whatever objections might be raised against this doctrine; in respect of genuine simplicity of mind and sterling integrity of heart, the name of Mr. Locke may stand against the world.

The truth was, that most of us did not understand the business, and were too much in the habit of taking things upon trust; particularly when we could derive information from sources, the respectability of which could not be doubted. In such cases however, error becomes doubly mischievous. In proof of which he might mention Dr. Copplestone, whose mistakes had been most satisfactorily explained by Mr. James,* a gentleman who was desirous of being examined before the agricultural committee, and whose Essays on this subject display a depth of research that entitled him to particular consideration. In these he shewed, that Dr. Copplestone had spoken of the pound sterling as being in the year 1527, worth in our present money 1*l.* 7*s.* 6*d.* and in the year 1551, worth 4*s.* 7¾*d.* Then we are to be told by the reverend author, that the standard was afterwards raised 400 per cent, and we are to believe it, because we find written on queen Elizabeth's tombstone, "*Moneta in justum valorem reducta.*" Did queen Elizabeth raise the standard of money in the way in which he here represents her to have done? She did no such thing. She trod nearly in the footsteps of Edward the sixth; and how then can we advance such a position? He (Mr. W.) had been particularly struck with the cautious language that the hon. member for Bridgnorth had adopted, in a pamphlet lately published by him, when he said, that he believed that the extravagant prices which had been given for land were such as would have "made our ancestors rise up in their graves, if any thing could induce them to take that step." He seemed to have been afraid of being thought too hypothetical: and he (Mr. W.) would wish to use the same caution with respect to queen Elizabeth. But he really believed that, if any thing could make her deceased majesty rise from the tomb, it would be the preposterous compliment that we had paid to her respecting the restoring of the value of money. Not that she would believe it. It was too gross even for her. No courtier, no paramour that she ever had, ever attempted to administer unction like this; and if she was now to walk into the House, she would explain, before she got to that bar, that she was not the fool that we represented her to be. Often had he wished that that old tombstone of queen Elizabeth had been at the bottom of the sea, and her memory under it, before it had been made the instrument of such extraordinary perversion.

Gentlemen should recollect, that an amendment was moved on the third reading of Mr. Peel's Bill, by the hon. member for Taunton (Mr. Baring), the object of which was, to alleviate the pressure of it on the various branches of the public industry. In that honourable member they possessed a man not ignorant, or of merely superficial knowledge like himself; but one who was supposed to have had opportunities of judging of this question, beyond any individual that could be named. Did they at that time pay any attention even to him? Not the smallest. The point at issue was the ratio in which the amount and pressure of taxation was about to be increased, by the improvement that was to be instituted in our currency. Amongst those to whom we had submitted this point for investigation, had there been any thing like concord? Yes, on one point: and on one only; namely, that they had been all mistaken. One gentleman had said it was 5 per cent, another 10, and another 20. Was not this the case? Then, what was their principle of action? They talked of Mr. Locke, and sometimes of sir Isaac Newton; but the real principle on which they acted was no other than that of Old Rapid, to "keep moving." There was a proverb which said "Leaders never blush, and the head of a party seldom thinks." If ever proverb was verified on any occasion, it was verified on this. For, in complete ignorance of the consequences that were likely to attend it, did we lay on as severe a scourge as could possibly be imposed, with out being able to accompany it with any other source of comfort than that "things would come to rights."—But, admitting even all this to be the truth, what remedy was to be prescribed now? It was now too late, it was said, and nothing can be done. Would the adoption of a silver standard in lieu of that of gold produce no effect? "Not more than five or six per cent and what is that?" Now, five or six per cent could hardly be esteemed a trifling alteration, by those who contend that the whole was not more than a question of ten per cent. But, a proposal of this nature would be discouraged, he feared, from a false regard to parliamentary consistency. There could, however, be no true consistency that was not founded on a steady attention to the public good, under all the various exigencies which time might give birth to. We may have set forth on a principle of right, and have travelled into enormous wrong. This was not a singular opinion; for, in the unreserved intercourse of private life, men hardly ever hesitated to acknowledge it. To have one language for our friends and another for the country, was not the way in which that country should be served. It was a species of double dealing with the country, which was to be reconciled neither with private integrity nor public honour; and, with those feelings bearing strong upon his mind, he would not stop to inquire into the construction that might be placed upon his conduct, but would vote in favour of the committee that had been then proposed by the honourable member for Essex.

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*Mr. Henry James, of Birmingham, the author of "Essays on Money, Exchanges and Political Economy," showing the cause of the Fluctuation in Prices and of the Depreciation in the Value of Property of late years:" London, printed for R. Hunter, a. d. 1820.

Mr. *James* said, he had not been so fortunate as the hon. member for Norfolk, for he had not read the writings of Mr. Locke and Mr. David Hume, on the subject of currency, &c. He had, however, read the Essays of his namesake (but not relation), Mr. James, and he had also read Mr. Cobbett's "Paper against Gold," and, in his opinion, that eminent public writer had thrown more light on the subject than all the others put together. He thought that government, by changing the currency, had done neither more nor less than aid the Bank of England in committing a gross fraud upon its creditors. Nothing, in his view, could benefit the country, but a rectification of contracts and a large reduction of the national debt. A greater violation of property had never occurred in any country. It was, in fact, a revolution marked by the most atrocious injustice; an injustice greater than any despotic government in the history of the world had before accomplished.

Lord *Folkestone* commenced his speech by observing, that he had last evening moved an adjournment of the debate, from a conviction, that the motion of his hon. friend, the member for Essex, was one which demanded the most serious consideration of the House, and that the evil which it was proposed to correct was of the greatest magnitude and likely to be productive of much distress and confusion, if not provided against by legislative enactment. He rose to address the House with considerable reluctance, but he did so, because it had been suggested to him, that the proposition which he had to make, with regard to the practicability of establishing an equitable adjustment of contracts, might be most conveniently brought before the consideration of the House, in the shape of an amendment to the proposition of his hon. friend. The distress of the country was so urgent, and seemed so little likely to abate, that it had absolutely become the duty of the members of that House to exert themselves to guard against the accomplishment of the ruin: and more especially when they saw, that the members of the government had not been able to bring forward any thing in the shape of an answer to the powerful arguments of his hon. friend the member for Essex, nor to those of the noble marquis on the second bench, by whom his hon. friend had been so ably supported.

He was aware that his hon. friend, the member for Portarlington, treated these apprehensions lightly. But the reasoning which his hon. friend had made use of did not, in his opinion, apply at all to the question before the House, and was in fact nothing but an argument *ad hominem*. His hon. friend had talked of the great probability there was, that the difficulties which had been complained of would be speedily removed; but his hon. friend had not told the House by what means he hoped to remove them, and had, throughout the whole of his speech, treated the subject much too lightly and superficially. He did not know whether the right hon. gentlemen opposite, to whom the affairs of the country were entrusted, took an equally light and superficial view of the question; but he would say, that if they did take such a view of it, it was a source of deep regret, that men with such impressions as to the great interests of the state, should at such a moment, be entrusted with the management of the national concerns. His hon. friend, the member for Portarlington, had, it would be recollected, indulged in prophecies, when, in 1819, the bill for the restoration of the currency was before the House. His hon. friend had foretold, that the country would speedily be released from her difficulties. He had asserted, that the inconveniences arising from a return to cash payments would be trifling; and he had told those who differed from him in opinion, that before the ensuing Christmas they would themselves look back with astonishment at the fears and the apprehensions which they then entertained. It was needless for him to tell the House, that all the predictions of his hon. friend had most completely failed. It was needless for him to tell the House, that since the passing of that bill, the prices of every description of agricultural produce had declined; and that the situation of those connected with the land had been getting worse, from that period down to the present time; and would, he was persuaded, if the House did not interpose, go on increasing.

He would admit, that his hon. friend, the member for Portarlington, was right in contending, upon the general principle, that the cost of production would eventually regulate the price of corn in this country, as the cost of production regulated the price in every other article of trade. As a general principle it was a sound one; but, in its application, it must be viewed with reference to the particular circumstances of the trade or the pursuit. This remunerating price could only be hoped for, out of an accommodation of the supply to the demand. Now, the farmer was burdened with leases and contracts. He had lands prepared, and crops sown; and he could not, therefore, suddenly decrease the supply which he had been accustomed to furnish. It had been mentioned as a matter of exultation, that corn had recently risen in price. The increase, however, that had lately taken place in farming produce, ought not, in his opinion, to afford any consolation; as, from the best information he could obtain, it was to be attributed to causes of a temporary nature. There had been an increase of the paper circulation to the extent of two millions and a half, within the last two months. This might have had some effect. Speculations also had been entered into rather largely, from the general impression, some months ago, that war was probable. But, in his judgment, the great cause of the temporary rise of prices, and which was most injurious to the land-holders had been the diminution in the supply. The harvest of the last year had been a remarkably early one. The harvest of the present year promised to be very late. So that the supply of the last harvest, instead of meeting the consumption of a year, would have to meet the demand of thirteen or fourteen months. The same argument would apply to meat. There had been, from the low prices, an increased consumption of the stock of cattle. The younger herds had actually been driven to market from the prevalence of the distress, and the re-action was now operating to raise prices.

The motion of his hon. friend, the member for Essex, was for a committee "to take into consideration the changes that have been made in the value of the currency between the year 1793 and the present time, and the consequences produced thereby upon the Money-income of this country derived from its industry; the amount of the public debt and taxes considered relatively to the Money-income of the country; and the effects of such changes of the currency upon the Money-contracts between individuals." Such was the proposal of his hon. friend, to which he meant to move, by way of Amendment, the addition of the following words—"to consider further of the expediency of providing some remedy for the said consequences, and, amongst other things, the practicability of establishing an Equitable Adjustment of Contracts." He was aware that a most unjust prejudice had gone forth upon this subject. He knew that it was charged against those who called for an investigation as to the practicability of an Equitable Adjustment of existing contracts, that they sought for that which could only terminate in spoliation and rapine. Indeed, the most unaccountable and unwarrantable prejudices had been marshalled and arrayed against the proposition. Notwithstanding which, he could not conceive upon what principle it was assumed, that he who asked for a fair, a just, an equitable adjustment of contracts, meant the direct reverse of the thing which he applied for. When he applied for justice, upon what grounds was it asserted, that he wanted injustice? When he asked for equity, upon what grounds was it asserted, that he wanted spoliation and rapine? Prove, after inquiry, that such effects would follow from the proposed adjustment of contracts, and the application would be defeated. He, for his part, meant to adhere strictly to these terms, and would for himself say, that he had not the remotest idea of proposing any thing unjust; neither could he think that a measure, having for its object the relief of those who had, without any fault of their own, been despoiled of their property, could be so denominated. He had, early in the session, presented a petition from Mr. Thomson,* a gentleman who had purchased two estates, with a loss, in one instance, of 18,000*l.*, and in another of 60,000*l.* What was the situation of persons burdened with mortgages and family settlements? By the operation of the act for the resumption of cash payments, they found themselves, in fact, deprived of their estates. He therefore thought, that the injustice was not on the part of those who wished for an equitable adjustment of contracts, but of those who opposed it.

It was again said, that his proposal led the way to revolution. On the contrary, he asserted, that the rejection of it led the way to revolution. In fact, a revolution—far more calamitous than any revolution of the government—a revolution of property, was actually going on in the country. He had said, that a revolution of property was a greater calamity than a revolution of the government; but the one would inevitably involve and lead to the other. Much as he admired every part of that speech of promise, which had been made last night by the noble marquis on the second bench—a speech which had delighted every man who had heard it; a speech not more distinguished for its eloquence than for its profound and statesman-like views: and which reflected the highest honour on the young nobleman who made it—there was no part of it in which he more fully concurred, than the part in which, in reply to this very objection, the noble marquis had said, that there was no revolution more to be deprecated, than that which had been produced by this very bill—a revolution of property. When he reflected upon the talent which had been displayed on the former evening, by the noble marquis, the regret which the present system gave him was enhanced by the reflection, that men like the noble marquis—men who would otherwise be the ornament and support of their country—would be ousted out of their possessions, and degraded from their proper rank in the state. With the noble marquis he would ask, what innovation could be more fatal, than that which went to sweep from the face of the land its present possessors, consigning them to beggary and to exile? Who, he would ask, were more likely to be affected by such a revolution of property, than the peers of the realm? And what could be more injurious than to have the House of Lords converted into a house of paupers? Would that House, under such circumstances, be fitted to discharge those functions which, by the constitution, were lodged in it. It was, too, a court of judicature, before which, as a *dernier resort*, most important questions of property were decided. But, would it be fitting, that such weighty questions should be decided upon by a body who had no property of their own? A French gentleman of great acuteness, as appeared from his writings, had come to England some time ago, for the purpose of studying the forms of British judicature. He had especially admired the hereditary aristocracy of England, as giving advantages to this country which could never be realized in France, because of the law which required the property of an individual deceased to be equally divided among all his sons. The measure now in operation went, however, to destroy the hereditary aristocracy of the country, not less effectually than a law similar to that of France would do. He would therefore repeat, that there was nothing unjust in the measure he was about to propose, and that it would prevent the most fatal of all revolutions—the revolution of property.

His hon. friend, the member for Essex, had made a calculation, by which it appeared, that in consequence of the change which had taken place in the currency, the country was now paying, in time of peace, as much as it had before contributed in time of war. If, then, we were now obliged to go to war, would it not be necessary, if we persevered in the present system, to increase our taxation, in order to meet the attendant expenses of war? The resources of the country had, in reality, been so impaired by the effects of the bill of 1819, that the very character of the country had been injured. England had been obliged to descend from the high station which she had formerly occupied among the nations of Europe. It could not be disguised, that however necessary war might be for the maintenance of our interests and our honour, to war we were unable to go. The powers of the continent knew this; and therefore it was, that that most unjust and atrocious aggression had been made on the liberties of the people of Spain—an aggression which struck at the root of all national independence, but which it was well known this country, from the want of funds, was not in a condition to resist. It was very well for his majesty's ministers to say, that if it were necessary, the country was in a situation to go to war. In his conscience he believed, that we should find it extremely difficult to raise, in the present currency, sufficient supplies for carrying on a war through two campaigns. But, even assuming that we were not at present called upon to enter upon a war, he would maintain, as the noble marquis had so ably done on the former evening, that the present was the moment for satisfying ourselves that we were in the right path, so that we might be prepared for whatever might occur. For that country was in a lamentable condition, which did not hold itself in a state of readiness to act, whenever a war should become necessary to its interests or its honour.

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* The petition will be found in vol. 8, p. 188 of the present series.

To prove that he and those honourable friends of his who thought as he did, were not proposing any thing unjust, or unwarranted by precedent, the noble lord said he would trouble the House with a few instances which he had collected, in which the principle of an equitable adjustment of contracts had been acknowledged and acted upon. He accordingly quoted an old statute of the parliament of Scotland, in which, after various provisions for securing the currency from fluctuation, a clause was introduced, which enforced the necessity, upon equitable grounds, of adjusting all bonds and contracts to the new standard, upon that and every other alteration effected in the currency by the government of the country. A similar principle had been adopted in France at one period of the revolution, when an immense depreciation of assignats had taken place. Committees were appointed in every department, for the purpose of adjusting all contracts which had been affected by the alteration of the currency. These were regulated, by estimating them according to the periods when they were made, and the times at which they were fixed to be determined. If the same principle were to be applied to this country, no doubt greater difficulties would be met with than presented themselves to the French legislature; since the government had taken especial pains, during the time of our depreciated currency, to disguise that depreciation, and the greater part of the public grievances had sprung out of legislative enactments and judicial proceedings, which aimed at establishing false principles, and concealing the real facts. The noble lord here instanced the case of Mr. De Yonge, the Jew, who was prosecuted for charging more for a guinea than the law allowed, about the time when the bill was passed to make the payment of rent in depreciated paper equivalent to the payment of rent in an enhanced metallic currency. But, indeed, the principle of an equitable adjustment had, to a certain degree been attempted in the reign of Charles 2nd. At the time of the great fire of London, in 1666, when an immense destruction of property took place, and 436 acres of ground were covered with the ruins of 13,200 houses; the different claims of landlords and tenants were flung into inconceivable confusion. Accordingly, to reconcile those claims, and adjust the rights and boundaries of property, the act of the 19th of Charles 2nd was passed, by which a commission was established, consisting of the judges of the different courts of law and equity. The commissioners were authorised to determine every possible dispute on claims existing or expected, and to make allowances according to the principles of equity and justice. Their labours had lasted for six years, and were productive of the greatest benefits. He would not say that the number and extent of the cases which came before that commission were at all equal to those which would be submitted to the authority of any similar commission at the present day. But, when he saw that the principle of an equitable adjustment of contracts had been adopted in France on the widest scale—when he saw that the same principle had been applied in our own country, less extensively perhaps, but certainly not less beneficially—he could not discover any thing improper or absurd in a fresh attempt on the part of the House, to find out some mode of adjusting private contracts, on the principles of equity and justice.—The noble lord referred to the tables of Mr. Mushet, which had been alluded to by the hon. member for Portarlington, and contended, that they were founded upon erroneous principles. But even if that were not the case, it was no argument against the claims of one class of society, who had been cruelly despoiled by unjust measures, to say, that another class had been robbed also. Nor was the principle of an equitable adjustment of merely modern growth; for it was related by Cæsar in his Commentaries, and the account was confirmed by his historian, Suetonius, that during his wars with Pompey, there fell out such a scarcity of money in Italy, that debtors were actually incapable of settling with their creditors. In consequence of this state of things, commissioners or arbiters were chosen to effect an amicable adjustment between the parties, by settling the proportion of debt which was to be paid by the debtor to the creditor, on account of the change which had taken place in the value of money; and the result of their labours was, a decree for the payment of one-fourth of the original contract. And in a recent "Civil and Constitutional History of Rome," written by Henry Bankes, esq. the hon. member for Corfe Castle, this circumstance had been spoken of in terms of approbation, as a wise and salutary measure. He therefore trusted that the hon. member for Corfe Castle, would not confine his eulogies to the objects of his historical inquiries, but would lend his aid to induce the House to adopt a similar plan on the present occasion. In France, the principle had been adopted, not only by the Revolutionists, but in the time of Louis 14th, and also during the regency of the duke of Orleans.—The noble lord said, that he considered the country to be at present in a deplorable situation. In his opinion, the distresses of the agricultural part of the community could hardly be exaggerated. He could not anticipate relief for them within any moderate period; and eventually it could only be afforded through a still greater calamity to others, a diminution of human food, if no remedy were applied of the nature which he had suggested. If a scarcity of grain were experienced, it would be much to be deplored, as it would have the effect of driving the English people to imitate the Irish by living upon potatoes. That this was an evil he was convinced, and it had afforded him considerable pleasure to find that it had been recognized as such in that House. In conclusion, the noble lord said, that looking at the question in all its branches and bearings, he could not understand the objections which had been raised against the adjustment which he was about to propose, as he called for nothing to be done which was not strictly and truly equitable. He would now conclude by moving an Amendment to the motion of his hon. friend, by adding thereto the words:—"To consider further of the expediency of providing some remedy for the said consequences, and, amongst other things, the practicability of establishing an Equitable Adjustment of Contracts."

Mr. Secretary *Peel* said, that after the full discussion which this subject had undergone during the last two nights, and after the repeated discussions which had previously taken place, he felt that it would be quite unwarrantable in him to trouble the House with any preliminary observations, and that his conduct would be exceedingly reprehensible, if he did not at once address himself to those main considerations which must influence every one on this important occasion. The hon. member for Essex had proposed, on the 12th day of June, that a Committee should be appointed to enter upon a number of the most momentous and complicated inquiries that could by possibility occupy the attention of any body of men. The hon. member had proposed that, at that period of the session, the Committee should take into its consideration the various changes which had taken place in the value of the currency since 1793, and the effects produced by the reformation of the currency on the money-income of the country derived from industry. Now, he confessed that, if he were on the Committee, he should not know what was meant by "the effects produced on the money-income of the country derived from industry," nor how that income, which was derived from industry, was to be distinguished from income growing out of other sources. The Committee was also to consider of the operation of the taxes pressing on the monied income;" but, above all, it was to inquire "into the effects produced by the change in the currency on the money-contracts of the country. Now, he would ask, was it possible to consider of all these subjects, and to come to any decision on them in the course of the present session? They might prolong the session two months if they pleased; but still, to come to any decision on all these questions would be impracticable. He begged to remind those who were favourable to the present motion, that the House had three times, in preceding sessions, decided, that it would not interfere with the measure of 1819. In ordinary cases the decision of the House against a particular motion was not to be considered any bar to the bringing forward of that motion again. But the present was no ordinary case. Individuals had been induced to regulate their concerns by the determination which the House had avowed, and now to take a different course would be to shake all confidence in them throughout the country, and to make the public feel that no dependance could be placed on their resolutions.

Much irrelevant matter had been introduced in the course of the present discussion, but the question, he thought, consisted of two main considerations. First, Did the general interests of the country require a revision of the currency? And secondly, Had individual interests been so injuriously and unjustly affected by the reformation of the currency, that the consideration of those interests, separate and apart from the general interests, imposed upon the House the imperative duty of attempting to effect an equitable adjustment of the contracts which had been made? By the "general interests of the country," he meant all those in which were commonly included, the manufacturing, the commercial, and the agricultural classes. Now, with respect to the manufacturing and commercial interests, was there any thing in the present situation of those interests which required a revision of the currency, and an equitable adjustment of contracts? With respect to the manufacturing interests, it was impossible for the hon. gentlemen opposite not to admit, that all their gloomy predictions of the ruin of those interests had been completely falsified by the event. The fact was, that we were in the habit of taking too desponding a view of the resources of the country. The English were, on all public questions, apt to be too desponding. The English were great Hypochondriacs with regard to their own country. While the condition and capabilities of England were tho ewnder and admiration of the other nations of Europe, we were apt to fancy ourselves reduced to a state of such utter desperation, that no application of human talents, and no fortuitous occurrence of events, could afford us any relief. He, however, would beseech the members of that House to look at the state of our commerce and manufactures, and say whether they did not present the most satisfactory indications of prosperity. He knew, that, in answer to his statements, it was indeed possible that some gentleman might start up and say, that he was connected with some particular district which was not in a flourishing state, with respect to its commerce or manufactures. But this narrow view was not the one in which the great interests of the country ought to be contemplated. He wished to take some general standard, by which they might judge of the present state of the country, by a comparison with the past. With this view, he would direct the attention of the House to the year 1817—a period antecedent to the passing of that much abused law, the act of 1819 [Hear, hear!]. He understood that cheer from the learned gentleman. He knew that the hon. and learned gentleman meant to intimate, that the same causes were then in operation which were now felt. This he most fully admitted. But where, then, were the grounds for the clamour raised against the act of 1819? Before the passing of that bill the same evils had been felt; and these, he contended, had of necessity been produced by that state of things which followed the Bank Restriction act of 1797. To show what the situation of the country had been in 1817, he would refer to a most able speech then made by the hon. and learned member for Winchelsea (Mr. Brougham). To this speech he should turn, as to a valuable record of the distress which then existed in the manufacturing districts. The argument now used was, that the change in the currency had affected all classes, so as to have produced the greatest distress. And it was his object to show, that such was not the fact, but that great and general distress prevailed before the act of 1819 had passed into a law. If he should be able to prove that the labouring classes connected with commerce and manufacture were employed, were tranquil and comfortably enjoying the honest fruits of their industry, he hoped he might be allowed to argue, that in order to relieve those who might still suffer, it would not be wise in the House to tamper with the currency.

On the 13th of March 1817, the hon. and learned member for Winchelsea, at the close of a speech* on the state of the trade and manufactures of the country, had proposed certain resolutions for the adoption of the House, the first of which was, "That the trade and manufactures of the country are reduced to a state of such unexampled difficulty as demands the most serious attention of this House." In the course of that speech, the hon. and learned member had stated that which fully justified the resolution with which he had concluded. The hon. and learned gentleman had gone through the principal branches of the manufacturing interests: he had pointed to the unfavourable state of the revenue, and the discontents which prevailed; and had asked, if such was the unfortunate condition of the manufacturing classes whether it was possible that the interests of agriculture could flourish? To show the strict relation between the two interests, the hon. and learned gentleman had cited a passage from Mr. Child, which he would take the liberty of reading to the House—"Trade and land are knit each to other, and must wax and wane together; so that it shall never be well with land but trade must feel it, nor ill with trade but land must fall." Following the course which the hon. and learned gentleman had pursued on the occasion to which he alluded, and fortified by such authority, he should proceed to show the contrasted prosperity which the manufacturing classes at present enjoyed, and to convince the House, as he hoped, that such a state of things held out a better and surer prospect of relief, than any that could be afforded by a proposition to tamper with the currency of the country. The hon. and learned gentleman, to show the distress which prevailed in 1817, had referred to the state in which Leeds, Huddersfield, Wakefield, and Halifax then were, where he had found that not fewer than one-third of the whole population were idle, and not more than two men in nine had full employment. At the beginning of the present year, he (Mr. Secretary Peel) had thought it his duty to make inquiries on this subject, and he had accordingly addressed letters to all those local and municipal authorities which were best able to furnish the information he wanted, inquiring of them minute particulars respecting the state of the manufacturing interests in their particular districts. He should apply the result of those inquiries to the points urged, in 1817, by the hon. and learned gentleman; as such, he thought would be a fairer course than to mention them arbitrarily and as might best suit the purposes of his own argument. He would begin, therefore, with the great clothing districts, in which that hon. and learned gentleman had said, that, in 1817, from the calculations which had been furnished to him, there were only 757 in full, and 1,439 in partial work, while 1,164 were entirely idle. The account which he (Mr. Peel) had received from Huddersfield stated, that, at the commencement of the present year, the working classes were well employed, never better; that times were never so well with them, as spinners were receiving 25*s.* a week, and the weavers from 18*s.* to 21*s.* a week; that the whole population was in perfect tranquillity; that there was a great increase of buildings; and that the poor-rates, which in 1815 amounted to 10*s.* in the pound, had been brought down by the beginning of 1821, to 8*s.* 4*d.* and in 1822 had been reduced to 6*s.* 8*d.*—He had also made inquiries with respect to Sheffield; as that place, though not a clothing town, was nevertheless important for another branch of industry there carried on. In Sheffield he found, that the poor-rates, in 1820, had amounted to 36,000*l.*; in 1821, to 25,000*l.*; in 1822, to 19,000*l.*; and it was estimated that, in the current year, they would only be 13,000*l.*; being a reduction of nearly two-thirds in the whole amount since the year 1820. He had inquired also as to the state of new buildings there; because, if these continued to increase, and tenants were procured for them without difficulty, it was a good ground for believing, that the tenants of them were prosperous, and would furnish a valuable market for the agriculturalists. The number of consumers being increased, the relief to the growers was certain. To this inquiry the answer given was, that when the last census was taken, at which period the Bank Restriction act was in operation, there were 1,600 houses in Sheffield untenanted, while, in 1823, though buildings had increased to a considerable extent, scarcely a single house was unoccupied.—In Halifax, in answer to the same queries, he found that the labouring classes were employed and generally well off. The poor-rates had been greatly and gradually diminished, and a large increase had been made in the number of houses, which were let, at from seven to eight pounds a year.

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* See First Series, vol. 35, p. 1004.

So much for the clothing districts of the country. And thus far the House, he thought, would admit, that the confident assertions with which he had commenced his speech had been amply borne out by the facts he had stated. The hon. and learned member for Winchelsea had next selected Birmingham, as furnishing a fair specimen of the depressed state of the iron trade at that time. He had stated—and very truly no doubt—that, in 1817, out of a population of 84,000 souls, about 27,000 received parish relief; that out of the work people, one third were wholly out of employ, and the rest were at half-work; and that the poor-rates had risen to between fifty and sixty thousand pounds a-year, a sum exceeding what the inhabitants paid to the income tax. Now, in answer to the inquiries which he (Mr. Secretary Peel) had made, he had the happiness to learn, that the whole body of the working classes were well employed; that there were no complaints, no appearance of disloyalty; and that in the single parish of Birmingham, which was only a small part of the town, 425 new houses had been recently erected. The poor-rates, which, in 1817, had amounted to between 50 and 60,000*l*., were in 1820, 52,000*l*.; in 1821, 47,000*l*.; in 1822, only 20,000*l*.; having been reduced, in the course of two years, more than 30,000*l*. Were not these facts, which proved that a favourable change had taken place in the state of our commerce and manufactures?

He came next to that most important district which comprehended Manchester and its immediate neighbourhood; of which the hon. and learned member for Winchelsea had in his speech, in 1817, drawn a most melancholy picture; but he regretted to say, not more melancholy than correct. The hon. and learned gentleman had been at great pains to ascertain the average rate of wages per week of a thousand weavers, of all ages and classes. During the period of the restricted currency act, it appeared, from that calculation, that in 1800 the rate of wages was 13*s*. 3*d*. a week; that in 1802 it was 13*s*. 10*d*. a week; that in 1812 it had fallen to 6*s*. 4*d*. a week; in 1816 to 5*s*. 2*d*. a week; and that in January 1817, wages had reached the fearful point of depression, of 4*s*. 3½*d*.; from which, when the usual expenses paid by the work people for the loom were deducted, there remained no more than 3*s*. 3*d*. to support human life for seven days. Well might the hon. and learned member have paused over this scene of misery, and felt impelled to demand, how it was possible to sustain existence in such circumstances! And well might he have been appalled when he received the painful answer, that "those miserable beings could barely purchase, with their hard and scanty earnings, half a pound of oatmeal daily, which, mixed with a little salt and water, constituted their whole food!" "These wretched creatures," said the hon. and learned gentleman, "are compelled first to part, for their sustenance, with all their trifling property, piecemeal, from the little furniture of their cottages to the very bedding and clothes that used to cover them from the weather. They struggle on with hunger, and go to sleep at night-fall, upon the calculation, that, if they worked an hour or two later, they might indeed earn three half-pence more, one of which must be paid for a candle, but then the clear gain of a penny would be too dearly bought, and leave them less able to work the next day." Such was the condition of the cotton weaver in January 1817. He did not state these things for the purpose of exciting painful sensations, or of reviving unpleasant allusions. He only introduced the mention of that disastrous period, for the purpose of drawing a contrast between the state of the manufacturing interests at that period and at the present moment. He called upon the House to look on that picture, and on the one which he had now to present to their view. The cotton trade in Manchester was now carried on to a greater extent than had ever before been known. The profits of the masters, it was true, were not large; but all classes were comfortable. The number of buildings erecting there were greater than at any former time. The people were tranquil, and workmen, instead of receiving, as in 1816, 4*s*. 3½*d*. a week, and in 1817, 3*s*. 3*d*. a week, were now paid as follows:—fine spinners—the House would pardon him for entering into these homely details—fine spinners at present earned 30*s*. a week, and coarse spinners from 20*s.* to 28*s.* a week. Cotton weavers, who in 1817, earned 3*s.* 3*d.* a week, now got 10*s.* a week, and silk weavers 16*s.* a week. The poor-rates in Manchester amounted in 1820 to 27,000*l.*; in 1821, to 23,500*l.*; but in the three quarters of the year 1822, they had only amounted to 15,000*l.* In Bolton, there was likewise more employment than ever was known. In 36 townships no fewer than 100,000 men were employed. In two years the population in those townships had increased by 8,000 persons, and 850 new buildings had been erected. He would here close what he had to say respecting the state of the manufacturing interests of the country; and, looking at the happy change which had taken place, he would ask any man, whether there was any thing in the present state of these interests, which rendered a revision of the currency necessary; and whether, without attributing to the bill of 1819 the merit of having caused this improvement, it would not be unadvisable and rash to make any alteration in it?

He now approached the subject of the agricultural interests. He admitted that these interests laboured under a grievous depression. But the question now before the House was, whether this state of things had been caused by the restoration of the metallic currency, and whether a revision of the measure of 1819, and an equitable adjustment of contracts, could remedy or relieve it? He could not admit that the bill of 1819 had had any considerable share in producing it. For a proof of this, he would refer to a speech of the hon. member for Essex, who now came forward with this motion. In 1816, that hon. member had moved for a committee on the distressed state of agriculture,* and in the course of his speech on that occasion, he had stated, that agricultural distress existed to an extent before unknown. He had also moved a resolution, which stated the agricultural classes to be reduced to a situation of utter hopelessness. This was three years previous to the passing of the bill of 1819, and in the speech alluded to, the hon. member for Essex had said, that the land then actually paid no rent at all, and did not cover the expenses of its cultivation. If such was the state of the agricultural interest three years before 1819, the distress felt by that class could not be fairly attributed to the bill of that year. He might also refer to another speech made, in 1816, by the hon. and learned member for Winchelsea,* for a most able exposition of the causes, altogether extrinsic of the return to a metallic currency, which had operated to the depression of the agricultural interest. He had there pointed out, most clearly and ably, how the extensive speculations in land, which had brought two millions of acres into cultivation which had never before been tilled, must have tended that way, as well as the consequent contraction of the circulating medium, from the withdrawal of the war expenditure. This was the description of the state of the country at a time when the bill of 1819 was not in operation; and, if such a state then existed without the operation of that bill, it was unfair to attribute the result of such a state to the effect of its operation. He would admit that part of the distress at that time might have arisen from an unlimited paper currency, which the bill which he (Mr. Peel) had introduced, might not have altogether prevented, but which it had certainly contributed to mitigate. The greater part, however, of that distress arose from totally different causes than those which could have any connexion with the currency of the country. The principal of those causes was the unnatural impulse given to the produce of the land by the late war, and the consequent depression of its value at the return of peace. Another of those causes was the extent to which speculation in articles of agricultural produce, had been carried on with Surinam and the Dutch colonies, and the want of excitement to such speculation, when the stimulus for its continuance was withdrawn. The continental system which was carried on during the war and which threw such extensive commerce into the hands of this country, and the change consequent on the peace, were also among the causes which conspired to bring about a depression in agricultural produce, which had been raised during the war to a forced and unnatural state. As a proof of the extraordinary and disproportionate encouragement which the cultivators of land had then experienced, he would state, that, in the space of ten years, 1,200 inclosures had been made, and two millions of acres had been brought into cultivation.

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* See First Series, vol. xxxiii, p. 31.

* See First Series, vol. xxxiii, p. 1086.

Much of this land, of course, would have remained uncultivated, but for the high price which provisions bore; and, as a considerable part of it was poor and barren soil, on the return of peace it was no wonder that these lands were not found as valuable as when they were first brought into cultivation. In the enumeration of these causes, the effect of the victories over Buonaparte should also not be omitted. At one period, such was the excitement created by the prospect of peace alone, that that flour, which had been so high as 100*s*. per sack, fell to 65*s*., and that wheat, which had been 120*s*. fell to 76*s*. the quarter There was, therefore, a variety of causes to which the agricultural distress might be attributed, besides the bill of 1819; and he would add, that no change, which a deviation from that measure could now effect, could compensate for the risk which would be thereby incurred.

With respect to the argument of the noble lord who had last spoken, that the standard value of an ounce of gold should have been fixed at 4*l*. 1*s*. instead of 3*l*. 17*s*. 10½*d*., he must remind the noble lord, that the difference which this alteration could have effected, would not have been more than three or four per cent. How, then, could such an alteration have essentially benefitted the agricultural interests, seeing that the proprietors of land complained of a depreciation to the extent of 50 per cent? If so, he would ask, whether it was worth while, for the sake of three or four per cent, again to disturb the state of the currency; and whether such a change could restore the agriculturists to prosperity? Upon the whole, he would contend, that neither the manufacturing nor the agricultural classes had been injured by the return to a metallic currency.

He should now apply himself to the only other point which it was necessary for him to notice; namely, whether the general interests of the country demanded an interference with all existing contracts. He entertained the same opinion now which he had done in 1819, and thought, that the addition to the burthens of the country, which the measure of that year had occasioned, had been amply compensated by the advantages which had resulted from it. The noble lord opposite had asked, what objection could there possibly be to an equitable adjustment of contracts—a proposition which was in itself so fair and so just? His answer was, simply, that such a measure was impracticable. And he would ask the noble lord, in return, how he would discover who were the debtors and who were the creditors, when the individuals were constantly changing? People must be called upon to produce their title deeds; for one man might have made his contract ten days ago, and another man ten years. Then, again, how were they to discover and arrange the different periods of depreciation at which the various sums were borrowed or engaged for? "But," said the noble lord opposite, "I borrowed money when the pound note was worth only 13*s*. and I am called upon to pay it back when it is worth 20*s*." True. But the noble lord seemed to forget, that there were periods at which the pound note was worth 15, 17, 19, and sometimes even more than 20*s*. How, then, was the particular sum to be fixed, at which the adjustment was to be made? What standard were they to take by which to measure the depreciation?

It appeared, then, on the shewing of the gentlemen opposite themselves, that the depression had been caused, not by the bill of 1819, but by the contraction of the currency, and other effects consequent upon the peace. Why, then, all the contracts entered into since that period ought, according to this doctrine, to be set aside, and placed upon the same footing as those which had been entered into since the passing of the bill in 1819. The number of these contracts, the noble lord opposite said, were very few. But, how did the noble lord reconcile this with the opinion of his noble friend (the marquis of Titchfield), who had said, that during the last two years, there had been a complete revolution in property? Now, such a complete revolution of property could only have been effected by the means of numerous contracts. Their arguments, therefore, must pair off together, and be regarded like two equal numbers in an equation, which destroy each other, and go for nothing.—The hon. member for Essex, who last year proposed only to attack the contracts since 1819, now recommended the adjustment of every contract since 1793. Let the hon. member consider how the changes in the currency which had happened since that period must affect the money-contracts of various individuals. It would not be fair that the settled contracts should not be adjusted as well as those which remained unsettled; for that would be withholding from the man who had faithfully performed his engagements, a relief which was extended to him who had failed in them. What confidence could the public place in the government or in parliament if such changes were attempted? The noble lord had stated one instance of ruin which had befallen a gentleman who had purchased land; but the noble lord had not stated what part of his friend's loss was to be attributed to improvident speculation, and what part to the change of the currency. If improvident speculations were to be the subject of equitable adjustment, why should the noble lord limit that adjustment to speculators in land? Why not extend it equally to every commodity? The year 1812 had been distinguished for bad speculations; and, if they were to go into all such cases, they would assuredly have enough to do. It really was a pretty summer amusement which the hon. member had cut out for them, when he had proposed to them, on the 11th of June, to revise all contracts that had taken place since 1793. The House having determined, once in the year 1821, and twice in the last session, that it would not enter upon any such inquiry, how could they now with propriety assent to it?—The noble marquis had stated on a former evening, that we were in such a state, from the effects of the measure of 1819, that we were unable to go to war. That position had not been proved; and he should be glad to learn, what a change in the currency or an equitable adjustment of contracts could do towards furnishing the means of prosecuting a war with success. He could not, indeed, understand the object of the motion, unless it was to increase the amount of the paper in circulation; and he never would consent to go into a committee, for the purpose of removing the check to that abuse which at present existed. From a view, therefore, of the improved condition of the manufacturing districts—from a confidence that that improved condition was intimately connected with the prosperity of the agricultural interests—from a conviction of the incompetency of that House to rectify and adjust the one ten-thousandth part of the contracts which had been entered into since the year 1793—in short, from all the reasons which had been explained, as well as from those which had been unexplained, he should feel it his duty to give an unqualified negative to the proposition of the hon. member for Essex.

Mr. *Bennet* said, he could not help noticing, in the first place, the observation of the right hon. Secretary, respecting the time which the present motion would occupy, if it were agreed to—an argument which, to his mind, was unworthy to be used. It was paltry and technical. If the affairs of the country demanded it, parliament would sit as a matter of course. He well recollected, that, when a great crime was to be perpetrated, and when fraud and perjury and malice and treachery conspired to ruin an individual, parliament passed a whole summer in investigating the most disgusting and disgraceful question ever submitted to its inquiry. It was surely, then, a little too much to hear from the very government who had so occupied the time of parliament, an objection raised, that it could not, from the state of the seasons, devote its attention to the most important question of justice and right that had ever been under its investigation.

He confessed he did not see his way very clearly out of the difficulties into which the rashness of government and the obsequiousness of parliament had placed the country. But he should vote for the inquiry, that the extent of the injustice and wrong might be made manifest to the world; thus holding up to public odium the authors, be they whom they might, of the measures complained of, and preventing by that exposure a repetition of the same series of calamities, which began by plundering the creditor, and which ended by performing the same depredation on the debtor. In his mind, the case was so clear, that a child could understand it. The prices of all the necessaries and luxuries of life rose with the paper, and fell with the metallic currency. In February 1815, the issue of Bank-notes of 5*l.* and upwards, amounted to 17,666,190*l.*; in the same month in 1816, they were as low as 16,490,990*l.* In 1818, they rose to 19,524,250*l.* From that period the amount gradually fell; and in 1823, it was 15,451,550*l.* The amount of country Bank-notes stamped in 1814, was 7,348,282*l.*; in 1816, it was 4,652,564*l.*; in 1818 it was 8,203,658*l.*; and in 1820 it was 2,746,944*l.* The same operation took place in the Bank of Scotland. One-third of the Scottish circulation was withdrawn in 1816; the notes were again issued and again withdrawn. Mr. Lloyd, in his evidence before the bullion committee, states, that the circulation of the country was at its highest in 1813 and 1814, but was reduced in 1816 and 1817 nearly one half. In the early part of 1816, the government took the alarm at the rapid depreciation of property which had followed the steps taken by the Bank to resume cash payments; and accordingly negotiations were entered into with the Bank, for an advance in the nature of a loan. The loan was of seven millions. The issue of the notes preceded the advance of prices; as well as the subsequent diminution of notes, in 1819, preceded the fall of prices. The country bankers were not slow in following the example of the Bank of England, and extended likewise their issue of paper. The result was, a general augmentation in the money value of all goods—not of one only, for a year of comparative scarcity, might have occasioned its rise, but *of all commodities.* Colonial produce, articles of home growth, timber, wool, cattle, even vegetables in Covent Garden market. All this rise lasted through 1818. In 1818, Mr. Tooke informed a committee of the House of Commons, that he found great difficulty in getting shipping. Wheat averaged 84*s.* a quarter; last year, 1822, 43*s.* a quarter; Iron 13*l.* a ton; in 1822, 8*l.* a ton. Cotton in 1818, 1*s.* a pound, in 1822, 6*d.* a pound. Wool in 1818, 2*s.* 1*d.* a pound, in 1822, 1*s.* 1*d.* a pound. Thirty articles specified by Mr. Tooke have fallen, in 1822, from 40 to 50 per cent lower than they were in 1818. Mr. Marryat specified three ships, the value of which in 1818 was 14,600*l.* but which, in 1820, were sold at 7,750*l.* Thus it was evident, that the price of all commodities had followed the change in the circulating medium of the country. When that was reduced in 1816, the prices fell; when again it was augmented in 1817 and 1818, they rose; and when a reduction once more took place in 1818 and 1819, it was followed by that fall of the monied value of all commodities, the result of which was the beggary and ruin of all classes of the state, excepting those who lived upon fixed incomes, or whose property arose from the taxes levied upon the people.

The right hon. Secretary had attempted to show, that the poor-rates had, in the last year, been diminished; and he thence argued, that the situation of the people had been improved. They were, it was true, lessened in amount, to what they were in 1817 and 1818; but, let the House contrast the real value of the money paid in 1813, when the circulation of paper was at its highest, with what it was in 1822, and it would be found, that the sum paid in the last year had greatly increased. In 1813, the poor-rates amounted to 6,294,584*l.* or in quarters of wheat in the money of that period 1,157,625. In 1822, the poor-rates were 6,300,000*l.* or in quarters of wheat 2,400,000. And if the crimes committed by the people bore any connexion with their poverty or wealth, comfort or misery, it would be seen, that in the latter year double the number of persons had been convicted than in 1813.

The hon. member said, he begged not to be misunderstood. He was no friend to a paper currency. It was necessary to take steps to return to the old metal standard; but it was equally so to discover what was the relative value of the two monies—the one resting on a metallic, the other on a paper foundation. That estimate ought to have been formed by a laborious, extensive, accurate, investigation of the different monied prices of the two descriptions of currency. Upon a scale so formed, the Mint ought to have opened and the burthen spread over the whole community. But the government resisted all investigation, opposed all inquiry, or when they granted it, as in the case of the Agricultural question, they took care to confuse, perplex, and mystify the whole question; and into that cause alone, namely the currency, which of itself had shaken and convulsed the country to its foundation, no inquiry at all was undertaken—it was not even mentioned. In 1816, a select committee was moved for by the late Mr. Horner, "to inquire into the expediency of restoring the Cash payments of the Bank, and the safest and most advantageous means of effecting it."* The right hon. gentleman opposite (Mr. Huskisson), now so learned and positive upon the subject, opposed it, and the number who divided were Ayes 73, Noes 146. In May 1818, his right hon. friend (Mr. Tierney) had made a motion somewhat similar, which was, as usual, negatived, Ayes 99, Noes 164. So that whatever calamity has befallen the country, all the ruin, beggary, and want, which have been the lot of thousands, have been caused by the confidence which the parliament had thought fit to give to the government, who rushed headlong down the precipice, refusing to listen to reason, to be informed, or to inquire. It was to this mischievous principle of confidence in any government, that all the calamities connected with the question of currency were to be traced. The House of Commons confided in Mr. Pitt and plundered the public creditor—they confided in the statements of the present government, and had plundered not only the public debtor, but had confiscated, to the benefit of the creditor, the property of all the private debtors of the kingdom. Nor was this all. By the act in question, the amount of public taxes had been added to, from 40 to 50 per cent; and at the present moment, notwithstanding the repeal of so many taxes, more money was raised from the subject than at the most expensive period of the late war. Now we, the public and private debtors, demand justice. It is nothing to us, to say, because, from 1798 to 1814, the public creditor was a loser, that therefore we the debtors are to be plundered in our turn from 1812 to 1823. If we had indeed been the gainers during that period, and that those who made the profit were called upon to refund, no one would object. But that was not the case; and never was a more crying and iniquitous act of pillage and robbery committed, than that which was now going on. That the property of all that vast class of persons who having contracted debts, bought estates, made settlements, borrowed on mortgages, embarked in the endless range of commercial and landed speculation, which in this country has taken place for nearly a quarter of a century in one species of currency, should now be called upon to compleat those engagements in another, was a robbery and confiscation of property hitherto unknown. It was an act without a parallel. It had nothing human in it, except its presumption. It resembled more a judgment of Providence, than an act of feeble and fallible man.

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* See First Series, vol. xxxiv, p. 139.

This, then, was now the state of England. And never did any government, in the wantonness of its power, or any conqueror from thirst of gain, or plunder, or hatred, or revenge, ever cause similar calamities to fall upon such vast bodies of mankind! This was a blow which fell unawares upon the people. They knew not how in chance it came. It crushed all alike. But, if the calamity was great here, it was greater in Ireland. If ever country had been beggared, robbed, and stripped by a legal enactment, it was that misgoverned and ill-fated country. He was quite sure, that to the depreciation of the currency in the first instance, and to its extraordinary elevation in the second, were to be ascribed, in a great degree, the distress and misery to which that unfortunate country was reduced [hear!]. This was the real cause to which they ought to ascribe the outrage and disorder which existed in Ireland. It was contrary to the principles of nature to suppose that a whole population were to remain in a state of distress and starvation, while their country produced an abundance, nay, more than an abundance, of the necessaries of life, and which were to be purchased at a cheap and easy rate. This, however, was the lamentable situation of the people of Ireland [some dissent was here expressed by a member on the ministerial side of the House]. The hon. member might shake his head if he pleased, but he (Mr. B.) was in a situation too fully to establish the truth of his statement. By the report which had been laid on their table, it appeared, that distresses for rent had taken place to an alarming degree. In addition to this, it had been stated, that in one district 163 persons had been turned out, and their habitations pulled down [hear, hear!]. Now, he called upon the House to consider whether this was a state of things which could be remedied by the Insurrection act, or any other coercive measure which parliament could devise? He conceived that the situation of Ireland was unparalleled in the rest of Europe. One half of the country was let on leases for lives at low rents, with three or four subtenants; the last, the peasant with his potatoe ground.

The hon. member here entered into a detail of the manner in which the demand for old rents with the new prices, or paper rents with metallic payments, had been the cause of the seizure of all the property belonging to the smaller cultivators in Ireland. The famine and misery of last year were caused, he said, not only by deficiency of the potatoe crop, but by the fall of prices. The stock of the peasantry was seized for rent to such an extent, that there were no prices for them—4*s.* for a cow, 1*s.* 3*d.* for a sheep, wheat 5*s.* per bushel, potatoes 1*s.* 6*d.* per hundred weight; and yet in that very town, all in it and around were perishing for want. There was famine without a dearth; people perishing of hunger, and no deficiency of food; farmers destroyed for want of a market; people starved for want of the means of purchase. It was a humbug to say, that in England the calamity we now suffered had been caused by over-production, and in Ireland, that the same distress was caused by a dearth. The evil had one common source, namely, engagements, contracts, debts, made in one currency, payments called for and enforced in another.

Now, the question submitted to them that night was—granted the distress (and who could deny its existence?)—what was parliament to do? "Let things remain as they are," say the government, "do nothing, let the agriculturists and all those who live from the produce of land abate the storm as they may—it is their turn to be robbed now—the distress though great, will pass away," He (Mr. Bennet) would not adopt that course. The wealth and property of the country might stand the shock; but, if the present prices were to continue—and, with the metallic currency, he saw no means of raising them permanently—that great body of men, called the agricultural interest, were robbed of half their property, and a system of confiscation was legalized, unparalleled in the history of the world. For himself, he would be no party to that transaction. He called for inquiry, to see if an equitable adjustment might not take place, and the burthen be more fairly distributed; and he demanded the inquiry from the wisdom and justice of parliament.

Mr. *Huskisson* said, he felt it necessary to trouble the House with a few words, in defence of the course which he had taken upon this subject, during the many discussions which it had undergone in former sessions. He could not help observing in the outset, that he had entertained a wish and a hope, that the hon. member for Essex, following the example of the hon. baronet, the member for Somersetshire (sir T. Lethbridge), and yielding to the reasons which had swayed that hon. baronet, would have withdrawn his motion, upon finding the altered state of the interests, whose cause it was intended more immediately to support; and he was the more impressed with that wish and that hope, from the knowledge, that we had been acting for an additional twelve months under a restored currency, and from a conviction resulting from that knowledge, that any attempt to retrace our steps must be productive of greatly multiplied, if not endless difficulties. He assured the House that he should not have trespassed upon their attention at that late hour, were it not that he had been so frequently and so pointedly alluded to by several hon. members; among whom was the hon. member for the county of Norfolk. The noble lord (the marquis of Titchfield) had observed, that unless inquiry was entered into and relief afforded, the aristocracy of the country would inevitably be ruined, torn from their paternal estates, and reduced to seek a miserable existence in a foreign land. Such was the highly-coloured picture drawn by his noble friend; but he felt happy in being able to state, that it was not only highly-coloured, but altogether and entirely overdrawn. Another ground which had been adduced by his noble friend to shew the necessity of inquiry was, that, so long as the present state of the currency continued, so long should we continue to be so crippled as to be unable to go to war. Now, if he could be made to believe, that there was any the slightest foundation for the fears of his noble friend, the evil was of so grave a nature, that he should be prepared to seek out a remedy at whatever risk.—Another topic which had been introduced was, the universal distress which existed throughout all classes of the country. And, as a proof of this universal distress, the hon. member for Shrewsbury, who had just sat down, had adduced the state of the poor-rates. He had compared the sums paid for these rates in 1813 with the sums paid in the year 1823, and had argued that, by the increase in the value of money, the rate was at present double what it was at the former period. But the hon. member should recollect, that there had been an increase in our population since the year 1813 to the extent of two millions: and that therefore it ought not to be matter of surprise if the poor-rates should have been augmented. He, however, was at issue with the hon. member as to the accuracy of his calculations on this head, although he would not now stop to discuss it. But, supposing the hon. member to be correct, was not the increase in the value of money to which he had alluded, applicable also to rents? The hon. member for Shrewsbury had also asked, whether it was natural to suppose that the people of Ireland should starve in the midst of abundance? He answered, no. But he answered also, that the distresses of the Irish population last year had been solely attributable to the failure of the potatoe-crop, the food upon which the lower classes of the people of that country chiefly subsisted. In proof of the correctness of his argument, he had only to state, that, in the present year, there was no difficulty in that country of maintaining its population, although the currency was now the same as it was at the period when the hon. member asserted the distress to be attributable to that cause.

It had been urged, that every attempt at inquiry into the depreciation of the currency had been resisted by the government of the day. But, how was such an inquiry to be set about? Before they entered upon it, they must first agree as to what was the standard by which this depreciation was to be measured; and next would come the inquiry, as to the period at which the depreciation commenced, and the degree to which it extended. If he understood the nature of depreciation in a gold currency, it meant a reduction in the weight and fineness of the metal. It had been said, that the depreciation commenced in the year 1793. But what ground was there for that assertion? Certainly none, with reference to the weight and fineness of the metal. From 1793 to 1797 scarcely any alteration had taken place; nor indeed up to 1808. But from 1808 to 1814 he admitted that there had been a considerable departure from that standard.—And here he came to the argument of the hon. member for Norfolk, who had stated, that his standard of value was the price of corn. This, however, he would contend, was a fluctuating and uncertain standard, and could not be depended upon. The hon. member for Norfolk had referred to some opinions which he, (Mr. H.) had given, in 1815, in which that hon. member supposed there was some inconsistency with those which he (Mr. H.) now maintained, as to the price at which corn could be grown in this country; but he would contend, that the experience of the last two years, during which it was urged, that the farmers had not had a remunerating price, formed no argument to impeach the consistency of his opinion. He still maintained, that corn could not now be grown in this country so cheap as it had been in the year 1790.

The right hon. gentleman next adverted to what had fallen from the noble marquis opposite, with respect to landholders and land-owners. It had been said, that unless relief was granted, the land-owners must become exiles, and the land must change masters. He, however, felt much relieved at hearing it stated—though as a great misfortune—that the rents of land had fallen, within a few years, from 25 to 30 per cent; because he recollected that the greater part, if not the whole of the lands, which had so fallen, had been previously raised to double their former rents. And this circumstance had relieved his mind from the dread of seeing the whole of the present race of landlords swept away; for he was persuaded, that persons possessing estates without encumbrances, would be, notwithstanding the reduction which had taken place, in a better condition, than persons who had employed their capital in other ways. He admitted, that great injury was sustained by those landed proprietors whose properties were burthened by acts over which they had no control; and also by persons who had mortgaged one estate in order to purchase another. But, for their misfortunes there seemed to be no remedy. The parties so situated were bound to abide the consequences of such a speculation.

Adverting to the charge of inconsistency which had been made against him, he contended, that there had been no inconsistency in his conduct. He had formerly advocated certain measures; not because he conceived them the best which could be adopted, but because he thought them preferable to others then existing. Suppose a man had, during the French revolution, expressed a wish to see a military despotism established in preference to the lawless institutions then existing, would it be fair to turn round upon that man, when he objected to the military despotism of Napoleon, and say, "Why do you find fault? This is the very kind of government which you supported upon a former occasion."—But, it was most absurd to suppose that the lands of this country could become barren under the circumstances which had been stated by his noble friend.

The Marquis of *Titchfield* denied, that he had made any such statement.

Mr. *Huskisson* said, he had certainly understood his noble friend to have stated, that all rents would disappear. His noble friend had undoubtedly dwelt upon the impoverishment of the aristocracy; but, it was impossible to suppose that the incumbrances could absorb all the rental of the nobility and gentry of the country. His noble friend did not appear very sanguine as to the practicability of an equitable adjustment. He (Mr. H.) would not fatigue the House by going into any detail, to show the utter impracticability of such an adjustment. Was there a man living who could imagine for a moment, that the complicated transactions of thirty years were capable of undergoing such an adjustment? The House had heard a little the other evening, about the court of Chancery. But, if the principle of an equitable adjustment were to be acted upon, it would be necessary to have more courts of Chancery throughout the kingdom than public-houses; and even then, it would be impossible to dispose of all the cases in the space of thirty years. But, his noble friend, abandoning the notion of an equitable adjustment, had spoken of reducing the currency, as if that would be a measure of relief. His noble friend did not seem to be aware, that the effect of such a course would be to throw things into that state of confusion which he was most anxious to avoid; and besides being in principle a violation of all right, that it would ruin all credit and confidence. There was now a rise in the value of the commodities of the country. But, if the principle of the gentlemen opposite were to be acted on, there ought to be a standing committee of that House, to regulate the fluctuations and variations of prices. The hon. member for Taunton had stated, that the fall in the value of the precious metals was not only affected by banking operations in our own country, but by the paper issues of America, Austria, Denmark, and Russia. So that if the principle of the hon. member for Essex were once admitted, it followed, that we were at the mercy of those powers, so far as regarded our standard of value. America had only to make an issue of paper, by which the value of money would be lowered, and then we must have a committee, in order to fix what the value of money was. This was contrary to every principle laid down by the late lord Liverpool, and every other writer on the subject: it was contrary to every statute passed since the time of Elizabeth, when it was recognized that the standard of a country once fixed ought to be immutable; and that standard did not, as he had been taught, consist of a comparison of one thing with another, but in the quantity and fineness of the coin of the country.—It was a fallacy to say, that the pay of the army and navy was increased in consequence of the depreciation of money. He had never heard that such was the principle on which the advance had been made; for it was made in the very first year of the Bank Restriction act. He was disposed to agree with his noble friend, that the substitution of silver for gold as a standard might, and perhaps ought to have taken place in 1819. As to the hon. member for Norfolk's quotation from Mr. Locke, the principle advanced by that authority, that the standard being once fixed ought never to be altered, was a just one; but it was a principle which parliament had observed in all its enactments upon that subject.

Notwithstanding all that had been said of the act of 1819, which was described as so great a calamity, his right hon. friend (Mr. Peel) had clearly proved, that it had had nothing whatever to do with the recent depression of prices; for which many causes might be assigned; but that was certainly not among the number. So far from producing alterations, it had, if he might use the expression, shut the door against future alteration. It was true, a depression had taken place, but he was satisfied the country had witnessed the extent of it. A rise in the price of corn was acknowledged to have taken place. There was also a rise in the article of meat, timber, bark, and every article connected with agriculture. Prices were, in fact, adjusting themselves.—His noble friend had charged him with inconsistency in alluding to the time of king William. The charge he denied. There was at that time a clipped currency. Its principle and effects had been similar to the depreciation in our day. There was at that time the same impatience, the same anxiety for relief; but there was sufficient wisdom and firmness, to resist measures similar to the one now proposed. It might be said, that the taxes had been then paid in the clipped money. But so they were with us in the depreciated currency. It was a great mistake to suppose that the country was crippled and unabled to put forth her energies in case of war. He would maintain, that there were greater resources in the taxes which had been taken off since the war, than there were in all Europe beside. When his noble friend urged that the country was in a condition to meet the enemy, if her honour were insulted, and her rights invaded, he would answer, that five-and-twenty millions of taxes had been remitted, and that the people of England would cheerfully submit to their re-imposition, whenever our interest or our honour might render it expedient. The debate on the present occasion had been a long one. He did not regret its protraction. The hon. members opposite had, in the course of their speeches, thrown new lights upon the subject. They had, if he might use the expression, given a new burner to the beacon, to warn the parliament of England of the dangers of altering their currency. If the House were to consent to go into a committee, the notion would become prevalent, that the currency of the country was again to be tampered with; and to prevent any such supposition would be one reason among many, which would induce him to resist the present ill-timed motion.

Mr. *Monck* rose amid cries of "question." He contended that the right hon. gentleman who had just sat down was mistaken in measuring the depreciation by gold as compared with paper; since it was allowed that gold itself had varied materially, and was at one time reduced so low, as to command only one quarter of wheat for one ounce of gold; whereas, in all other times, one ounce of gold had commanded two quarters of wheat.

Mr. *Attwood* said, that the justice of the measures proposed by the present motion, and the necessity for their adoption, had been already explained with so much more weight, and greater ability, than he could lay claim to, that he should endeavour to occupy the attention of the House but shortly, and should confine his observations to those topics on which the question mainly depended. He had heard no adequate reply given, nor, as he thought, even attempted to be given, to the principal arguments adduced in support of the motion. The right hon. gentleman who spoke last appeared to him to admit the most material propositions on which the motion rested; and the right hon. Secretary and others by whom it had been opposed, had occupied themselves with details and statements, a great part of which were little material, whether admitted or not. When, indeed, the right hon. Secretary communicated to the House what was the present state of his own mind on these subjects, and informed them, that he still continued to hold now, the same opinions which he had maintained in 1819; that information was perhaps to be looked on as important, regarding, as it did, an individual who had hitherto supported tenets so various, who, having supported at one time the preposterous resolutions of 1811, had afterwards taken a leading part in the act of 1819. His opinions having undergone such changes, it might certainly be desirable for the House to know what particular opinion he now entertained and meant to stand upon; though it would be somewhat too much to expect that any authority would be ascribed to it.

But he should proceed to call to the consideration of the House, that the principal and the indisputable grounds, on which the present motion, and the necessity of measures founded on it, rested, were these; that they had effected great and extensive changes in the value of their monied standard; and that those changes had been accompanied with no corrective or remedial measures; nothing calculated, or tending, to redress the wrong, disorder, and calamity, which such changes necessarily carried into all the pecuniary contracts of individuals, and into all the debts and engagements of the State. The depreciation of the late war, it was to be considered, and never to be lost sight of in discussing this question, was a depreciation established by law. The depreciated money of that time, was then as fully and effectively the legal standard money of the realm, as their present money was now a legal standard; or as the money of the kingdom had been at any time a legal standard of value. He apprehended that no one would be disposed to dispute, that a law which went to change the value of a standard money legally established, and in universal use, and which law did not provide for an equivalent conversion of debts and contracts, must have, of necessity, arisen from one of these two causes: it must either have been adopted in ignorance, with a total misunderstanding of its real character; as was in reality the case with respect to the act of 1819, which had for its object merely to alter the character of money and not its value; it must have been founded on an error of that kind, or have had otherwise its origin in direct and purposed injustice; and in neither case was a standard so adopted to be now considered, with all the evils it carried with it, and was still working, as permanently established. On that essential part of the subject, then, the fact that extensive alterations in the value of money had been in reality effected, he called on the House to consider that no material difference of opinion did, after all, exist on that head. Questions of the value of money depended on principles considered by many to be somewhat obscure. He should not enter into any discussion of that kind, but should content himself with shewing, that on this there did not exist either in that House or out of it, amongst those whose attention had been directed to the subject, any difference of judgment sufficiently material to affect the question at issue.

And first he should state what was the opinion of the right honourable President of the Board of Trade, an individual, who, as he had been one of the earliest to establish the fact of the existence of depreciation during the war; so he was one of those who had gone the furthest in his estimate of the extent to which alterations in the value of money had been carried. The estimate of the right hon. gentleman to which he should refer, would be found in a speech delivered in the last session of parliament; and which, as it had been printed and circulated by himself, might be presumed to contain his considered and advised opinions. In that pamphlet, the advance which had taken place in the price of agricultural produce during the war, was examined and ascribed to three causes. One of these was, depreciation in the value of money; another was, what in the peculiar system of the right hon. gentleman, was denominated a diminution in the value of money, as distinguished from depreciation; both of those causes of high prices springing out of the Restriction act, and both, of necessity, ceasing with it. But there still remained, according to this system, a third cause of high prices, and that was speculation; not, as it appeared, that ordinary description of speculation which had existed in former times, before the Restriction act was known; which would exist still, when it had ceased; and which would affect and enhance prices occasionally in future, as it had formerly affected prices; but a peculiar and an excessive speculation brought into action by the abundance of money, which the Restriction act had thrown into circulation. Now, all these three causes of the high prices of the war had their origin in the act of 1797; they must all of them of necessity cease to operate, in consequence of the act of 1819: they were calculated to operate, not on the price of agricultural produce exclusively or particularly, but alike on the prices of every description of property. The advance of monied prices thus occasioned must therefore be general, and must be taken to be a reduction in the value of money, to an equal extent; and of that extent the advance in agricultural produce would be a measure. This, then, must be taken as the estimate of the right hon. President of the Board of Trade of the extent to which their money had been altered in value, first reduced, and then enhanced.

He was well aware that the right hon. gentleman had maintained, that it was not to this full extent that injustice was done; that it was only as far as prices had been raised by what he distinguished as a depreciation of money; that it was only thus far, that those who suffered in their contracts by the rise and fall of prices, or in other words, by the debased and increased value of money, were unjustly injured; and that, as far as men suffered in their contracts through diminution of the value of money, and through its alteration from speculation, they had no just occasion of complaint or ground of redress. But even on that branch of the subject, not that on which he was at present occupied, he would then remark, that the real question was—Did the government, having abandoned the old standard, substitute a cheaper money in its place, and to what extent did it become cheaper? Did the government form its engagements still existing in this cheap money? Did they in this cheap money contract debts and impose taxes? Did they grant pensions in this debased money, and were those pensions proportioned to its value? Did they adjust to this cheap money their own salaries? He did not speak of the salaries of those who occupied the most important and conspicuous offices, he well knew that in those offices salaries had not been increased; avarice was rarely the failing of those who grasped at those offices; but he spoke of the salaries generally of the servants of government in all departments. All these had been raised and adjusted to the cheap value of money. Did the right hon. President of the Board of Trade evince then any of that alarm respecting equitable adjustment, which now appeared to have taken possession of his mind to so great a degree, as that he seemed to consider that something of danger or reproach lurked in the very term? Nothing of this appeared. None of these refined distinctions, between depreciation, diminution, and speculation, were then brought forward to appease the claims of those, who, in consequence of the advance of prices, demanded increased pay. The work of equitable adjustment, whilst the servants of government could gain by equitable adjustment, never ceased: it was in perpetual operation. Fresh issues of money were scarcely thrown from time to time into circulation, the price of wheat had scarcely advanced in Mark Lane, before demands were heard of in that House, to increase some salary and adjust to this new standard the pay of some or other of the servants of the State. Not a word was then heard of those subtle arguments, by which a part only of the advance of prices was referred to depreciation, and the rest to diminution and depreciation. To the full extent of the advance of prices however occasioned, and of the fall in the value of money however denominated, were pay and pension, advanced or fixed. To so great an extent did this passion for equitable adjustment then proceed, that, as it had appeared by papers presented in the last session, a return had been made to government at one time, of the price of the quartern loaf at no less a distance than in the empire of the Brazils, in order that the pay of some minister or other might be advanced, and receive its equitable adjustment on the basis of that standard; and he well remembered that he had taken an opportunity to express his humble desire, that when the reign of paper money should cease in that new empire, and the quartern loaf again fall to its old rate, this salary might be reduced also, as justice required, and receive its re-adjustment. And, whilst the government was thus occupied in apportioning taxes, expenses, and engagements, to the cheap money which it had introduced; what were, during this period, the transactions of the people? Did they not form their contracts in this cheap money? Was it not in this cheap money that they fixed rents, and leases, and contracted debts? If all this had been denied, and the government under such circumstances, had raised the value of money again, and without any regard to these debts, contracts, taxes, pensions, and salaries; then were they at that moment collecting taxes which had never been by any rightful law imposed; they were distributing those taxes without right, to those who were receiving them without justice; to the full extent to which the alterations however denominated in the value of money had gone, had they introduced fraud, injustice, and ruin, into every description of pecuniary contract.

But, to return to the question, as to what the extent was, to which these alterations had been carried, as admitted by all parties. The opinions advanced by the hon. member for Portarlington on this head, however little reconcileable with many of his statements that night, would be found to differ but little from that on which he had just remarked. When that hon. member had spoken of a depreciation of 3½ per cent, and of 4 and 5—and then of an alteration of 10 per cent; it was to be remembered, that he was then speaking of the depreciation of a particular year, or rather of a particular month; and it would be doing injustice to his arguments, to assume, that he had given these calculations as estimates of the depreciation generally, which had taken place. His estimate of that general depreciation he had given elsewhere in different terms. The depreciation of the war he had stated, was, beyond the calculations now referred to, carried to a great and a fearful extent [Mr. Ricardo signified that he assented to this]; and of course it followed then, that the return from such depreciation must be at least equally great, and equally fearful. It was true, the hon. member still continued to maintain, that the extent of depreciation was to be measured and was limited by, the advance which had taken place from one period to another in the price of bullion; and that advance had been at one time between 30 and 40 per cent: but his statements were full of contradiction on that head, of verbal and useless distinctions; and he had never attempted to show, though frequently called on to do so, why the precious metals were to be taken as a better criterion than any other metals, of the value of a paper money into which they were not exchangeable. The precious metals were the actual standard, said the hon. member, and therefore as far as the paper money fell below those metals, so far it was depreciated. They were no standard: their value had been altered by the very circumstance of their having been disused as a standard. But if that preposterous position were to be admitted, that the varying price of bullion measured the late depreciation of paper; then he would ask, how was the price of bullion itself to be ascertained, and where were they to be referred to for it? In the tables collected by the industry of the committees of 1819, several periods during the war occurred, in which, for successive years, no price whatever for gold bullion was to be found: and one period occurred of nearly four years, in which it would appear that gold bullion had neither been bought or sold: for no price of it was set down. The demand for coinage had ceased. The trifling demands of the gilder and the jeweller were more than supplied by coin illicitly melted. There existed no market for bullion. The price was restrained by law. Those who possessed coin which they wished to dispose of, were subjected to penalties, scarcely less severe than those which restrained forgery and false coinage, if they sold it at a higher than a certain rate. And it was this commodity, thus situated, which they were desired to take as a measure of the general advance of all other commodities and of the value of money.

It had been stated from other quarters, that when they could not find a price for bullion they were to resort to the tables of foreign Exchanges for a measure of depreciation; but he shewed, that when the money of any country was of a description which possessed no value in other countries, and which consequently did not admit of exportation that of the value of such money, the varying rate of the exchange with other countries, was no measure. He referred, in proof of that position, to the depreciation of the assignats of France, and shewed that the rate of the depreciation of that money in no degree corresponded with the tables of the rate of exchange between England and France given in the reports of the committees of 1819. Either, therefore, it must be admitted, that they possessed no accurate tables, to which they could refer, of the rates of exchange, or those rates did not afford a measure of the depreciation of paper money. He stated, that the opinion of the price of bullion being a criterion of depreciation might in the same manner be shown to be false, by the evidence of experience. In proof of that he referred to the depreciation in king William's time which depreciation having been caused by an illegal clipping of the coin, was capable of being determined, as to its extent beyond dispute, by the weight of the coin in the scale; and at that time the price of bullion had not corresponded with the depreciation of the money. The coin was depreciated nearly one half, but the guinea had risen no higher than to 30*s.*, and silver no more than to 6*s.* 5*d.* an ounce. In the work of the late Lord Liverpool, the depreciation was estimated at more than 80 per cent., the advance in gold bullion at 40 per cent., and in silver bullion at 25 per cent.; so that these metals, each of which was as perfect a criterion as the other, not only did not give a true estimate of depreciation, but each gave a different estimate. In the late depreciation, a difference between the advance of gold, and that of silver bullion, would frequently be observed to have taken place; and these variations he challenged the hon. member for Portarlington to attempt to reconcile, with the truth of his theory. He stated further, that though the bullion committee of 1810 had in their report considered the price of bullion as the measure of depreciation; yet Mr. Horner, the reputed author of it, had subsequently declared that opinion to be erroneous. Bullion, according to his subsequent views of the subject, rose or fell, in an inconvertible paper, from the same causes as any other commodity advanced or declined; and was capable of affording no better a criterion than any other commodity of the value of the paper: and it followed from the other arguments and statements of that gentleman, that in his views the depreciation of money was to be taken from the price of agricultural produce, that of bread corn, which that gentleman denominated the paramount standard of all value.

He would call, then, the attention of the House, to the opinion of another individual, and to one only, respecting the extent to which the late alterations in the value of money had been carried; and that was, the opinion of Mr. Malthus, undoubtedly the greatest authority in this country, or in Europe, in all questions connected with political economy, for he had given to that science, if science it were to be called, in his treatise on population, the only extension or improvement it had received since the writings of Adam Smith. The opinion of Mr. Malthus then was, that the rate of alterations in the value of money was to be taken from the average price of agricultural produce, and from the wages of labour and the general price of commodities; so far had he considered these the fit measures of the value of money, that he accounted it would operate unjustly if the national debt were not adjusted by those measures, as by a standard, under the circumstances in which the country was placed at the close of the late war. He would read to the House the words in which Mr. Malthus had expressed this opinion. It was taken from a work published in 1815, during the depression of prices; in fact produced by the temporary attempt then made to return to the old standard.—"If the price of corn were now to fall to *50s.* a quarter, and labour and other commodities nearly in proportion"—this was written in 1815, when the fall, now settled and permanent, was first experienced—"there can be no doubt that the stock-holder would be benefitted unfairly, at the expense of the industrious classes of society, and consequently at the expense of the wealth and prosperity of the whole country. During the twenty years beginning with 1794 and ending with 1813 the average price of British corn per quarter was about *83s.*; during the ten years ending with 1813, *92s.*, and during the last five years of the twenty, *108s.* In the course of these twenty years, government borrowed near five hundred millions of real capital, for which, on a rough average, exclusive of the sinking fund, it engaged to pay about 5 per cent. But if corn shall fall to *50s.* a quarter, and other commodities in proportion, instead of an interest of about 5 per cent, the government would really pay an interest of 7, 8, 9, and for the last two hundred millions, 10 per cent."—that is, the government would have to pay for this last 200 millions double the annuity which they had, in reality, and virtually, contracted to pay—"To this extraordinary generosity towards the stock-holders," (continues Mr. Malthus) "I should be disposed to make no kind of objection, if it were not necessary to consider by whom it is to be paid; and a moment's reflection will shew us, that it can only be paid by the industrious classes of society, and the landlords; that is, by all those whose nominal incomes will vary with the variations in the measure of value. The nominal revenues of this part of the society, compared with the average of the last five years, will be diminished one half, and out of this nominally-reduced income, they will have to pay the same nominal amount of taxation.—The interest and charges of the national debt, including the sinking fund, are now little short of forty millions a year (they are now forty-five or forty-six millions), and these forty millions, if we completely succeed in the reduction of the price of corn and labour, are to be paid in future from a revenue about half the nominal value of the national income in 1813.—If we consider with what an increased weight the taxes on tea, sugar, malt, leather, soap, candles, &c. &c. would, in this case, bear on the labouring classes of society,"—this writer did not agree with the right hon. Secretary who imagined that the labouring classes were to receive benefit from the effects of his bill—"and what proportion of their income all the active, industrious middle orders of the state, as well as the higher orders, must pay in assessed taxes, and the various articles of the customs and excise, the pressure will appear to be absolutely intolerable. Nor would even the *ad valorem* taxes afford any real relief. The annual forty millions must, at all events, be paid; and if some taxes fail, others must be imposed that will be more productive.—These are considerations, sufficient to alarm even the stock-holders themselves. Indeed, if the measure of value were really to fall as we have supposed, there is great reason to fear that the country would be absolutely unable to continue the payment of the present interest of the national debt. And even if the price of corn be kept up by restrictions to *80s.* a quarter, it is certain that the whole of the loans made during the war just terminated, will, on an average, be paid at an interest very much higher than they were contracted for, which increased interest can, of course, only be furnished by the industrious classes of society." These were the opinions of Mr. Malthus, given at the commencement of that fall of monied prices, of that increase in the value of money, which we have since permanently established by the act of 1819. Not according to the price of bullion, but by the price of commodities and labour generally; but more particularly by the price of agricultural produce, is the real alteration in the value of money, however occasioned, according to this writer to be measured; these were to be taken as the measure of it; and for the causes of the ruinous advance of prices, and subsequent more ruinous decline, those destructive alterations in the value of money; that they had all been effected by measures of the government, would be found clearly deducible from and admitted in, that passage of the printed speech of the right hon. president of the Board of Trade, on which he had already remarked, and to which he would again refer. "But even diminution in the value of money," said the right hon. gentleman, "and afterwards depreciation superadded do not afford a just measure of the actual rise of prices, and especially of the rent of land in this country during the war. To these causes must be added the effect of excessive speculation. *It is true that this excessive speculation had its foundation in the diminishing value of money:* but when the farmer had saved a few thousand pounds, was it not natural that he should wish to lay out his capital in the purchase of land, that land upon which he had realized an independence, and of which the rent and fee simple had at least doubled within his recollection? For the same reason, was it not natural that the landlord, &c. &c.—And what was the state of the money market whilst all this speculation was going on? With depreciation guaranteed by law, the country banks had every facility to lend; the farmer, the landowner, the jobber, every facility to borrow." The whole of these changes, then, were the operations of government. They established depreciation by law; and with it diminution and speculation, which were in fact nothing more than a further depreciation. They destroyed all these by another law, regardless of the fortunes which they confiscated. "With depreciation," said the right hon. gentleman, "established by law," it was not, then, a depreciation, similar in all its essential characters, to the depreciation in the time of king William, as he had told them on another occasion. The depreciation of king William was in violation of all law. It was a criminal and illegal clipping of the coin. But, by what law, he would ask the right hon. gentleman, was depreciation guaranteed, that did not equally guarantee diminution and speculation? They rested all on the same basis. They were equally guaranteed by law, and annulled by law. It was in a strain somewhat extraordinary, for the occasion, in which the right hon. gentleman proceeded;—"Can we wonder at the extent of the revulsion"—"If we were unable to rescue many of the victims." What single measure had been adopted or proposed, having any such object in view? Except by the present motion, and the motion which his hon. friend who proposed it had brought forward on other occasions, no step had been taken by government or by parliament, to protect the extensive interests which had been sacrificed by a revulsion of which they were the authors. No government had ever acted under circumstances of so great moment, with so total and culpable a neglect of its duties. When the French government had latterly altered their money, to the extent of five per cent only, they made a corresponding adjustment of all debts. When America, in her contest for independence, depreciated her money, the statesmen of that country adopted the most extensive, and the strongest precautions to guard against the evils of so great a change. They suffered none of that land-jobbing, and gambling in leases, which the right hon. gentleman described, to take root. They foresaw the extent of the danger, and guarded against it, by measures which nothing short of so great a necessity could justify. They passed laws by which all bargains and contracts for land were invalid, if on a longer credit than three days. These were some of the measures by which the American government, under circumstances similar to our own, had guarded against revulsions: and prevented one half of the people from being made the victims of the other half. Their sagacity and foresight was a reproach to themselves, who had utterly neglected all precaution, and had acted with a blind disregard of all rights and all interests. Rescue the victims! You betrayed them. You depreciated your money by law, and denied that any depreciation existed. You raised the value of money, and concealed from the people what you were doing. The country throughout its whole extent, is covered with the ruined victims of a rash, ignorant, incompetent, faithless legislation; and with a misery and ruin such as he sincerely believed since the existence of governments had never been inflicted by any government before, on a peaceable and confiding people.

Undoubtedly, this view of the extent to which the depreciation and enhancement of the value of money had been carried, had been much obscured, in consequence of the recent advance in agricultural prices; an advance which was to be expected; which was indeed the necessary consequence of the state of things which he had examined. The price of agricultural produce had fallen at one time below the average rate which the old metal standard was calculated to support; below the rate which existed before the late war. Agricultural prices having fallen temporarily below the old metal average, it was to be expected that they would advance also as much above it; but that extraordinary advance would be as temporary, as was the extraordinary decline. But there was another cause, calculated also to produce a temporary re-action in agricultural prices; and which thus was calculated to conceal, for a time, from those whose interests were affected by it, the full extent of the change which was proceeding. If there was any one fact connected with the present state of agriculture, which was placed beyond doubt, which had been more repeatedly represented to them than any other, it was this; that during the late disastrous fall of prices, the rent of the landlord had been, in a great degree, paid out of the capital of the farmer. But, could rent be paid out of capital, and the capital remain? And, what was the nature of that fund, thus subject to annual diminution? In what did the capital of the farmer consist? It consisted of improvements effected in his land, of manure in his fields, of corn and cattle in his fields, and in his yards. All the elements of fertility, the sources of production and increase, these formed the capital of the farmer. Could these be subject to a perpetual diminution, and not arrive at length at exhaustion? This destruction of agricultural capital was one of the most alarming evils to which the system they had pursued tended. A re-action in the fall of agricultural produce was certain. If when it took place it should be accompanied with defective harvests, it would be followed by great calamities, of which the distress of Ireland, so arising, was probably the forerunner. As agricultural capital was one of the most advantageous forms of national wealth, so it was accumulated with the greatest difficulty; and its destruction was productive of the greatest evils. It could rarely accumulate beyond the necessary demands of an increasing or improving population; it could rarely be forcibly destroyed, without entailing the greatest calamities; calamities of which the tendency was, to diminish the population along with their means of support. It was this capital of the farmer which they had seen glutting the markets, and had called it excessive production. It was the source of future production. They saw glutted markets and falling prices; and had looked no further. It is an excessive supply, they said, which had reduced prices; supply and demand govern prices; there is no other cause of high and low prices than supply and demand. That question of supply and demand was capable of being placed in an extremely plain point of view. A reduction of the amount of circulating money must reduce the monied prices of all property and commodities. That position would not be denied. It had been stated by the hon. member for Portarlington in the course of his speech. And yet it was no less certain, that the price of no commodity could fall in any market without an alteration first taking place in the proportion between its supply and the demand for it. But how then was it, that a reduction in the quantity of money was capable of lowering prices, if prices could never fall without an altered proportion between demand and supply? It was by altering that proportion; by acting on those ulterior interests, by which supply and demand were themselves governed. A reduction in the quantity of money lessened the means of producers and dealers, by which they held stock. It forced more stock on the markets, and produced an over supply. It diminished the resources of the purchasers, and occasioned a lessened demand. But, then, if the present price of agricultural produce and its recent advance were to be considered as occasioned by these temporary causes, what conclusion were they to draw respecting what its permanent price would be, the present standard being continued? They must take for their guide that average price which the present standard had, when formerly established, supported. No reasons had yet been given, which could lead them to believe that it could give any different average in future. That price had varied from perhaps 35*s.* a quarter at the lowest for wheat, to perhaps 70*s.* at the highest, and would give an average of perhaps 50*s*: and from that price, or one approaching to it, he was persuaded it would prove, that as compared with the prices of the war, the alteration in the rate of agricultural produce must be estimated; with that alteration, the alteration in the wages of labour and in the prices of commodities generally, would be found to correspond; and in a corresponding degree with all these, the value of money must be taken to have been altered also.

But whence had it arisen then, that measures so important, affecting so many interests, so manifestly unjust and ruinous, and still in their operation, had been suffered to be carried into effect? They were of obscure operation. The effects which they produced, appeared too important to be commensurate with the cause which produced them. The connexion was not seen; but that House partook largely of whatever evils affected any considerable portion of the community; and acted under motives the most powerful to lead them to proceed to an examination of those measures. Those of whom that House was composed were the most extensive sufferers, and possessed in their own hands the means of redress. The right hon. President of the Board of Trade, indeed, told them, that those who suffered in their contracts by alterations in money, did not, to the whole extent of such alterations, possess any equitable claim for relief. It was only to the extent which depreciation went, that in his view injustice had been committed. Further alterations in the value of money gave no claim for redress, to those who suffered in their contracts from them. Those rested, said the right hon. gentleman, on the same footing as alterations in the value of money; as an advance or fall of prices would rest, if occasioned by a greater degree of plenty, or of scarcity, in the precious metals. And in such a case as that he had asked, would any man propose to alter contracts; or the weight, or fineness, or denomination, of the coin? The distinctions drawn by the right honourable gentleman, he had already shown were without foundation, but he would meet the question as it was thus put. If it were asked then, ought a government to be called on to adjust contracts, or to alter the weight or denomination of a national standard, in order to meet the effects of an alteration in the value of money, arising out of a general alteration in the quantity of the precious metals? To this he should reply, without fear of contradiction—Undoubtedly, if that alteration in the quantity and value of the precious metals were great; if it were permanent; if it were certain and determined; if in all these, it agreed with the character of those alterations in the value of money which had taken place recently; then would it not only be justifiable in a government to alter contracts and standards, and to adjust them to the altered value of the precious metals; but a government would prove itself incompetent to its most essential duties, which should fail to adopt such measures. The necessity of protecting property in the hands of its rightful possessors, was superior to the necessity of preserving any particular standard. The use of a standard was, that it should measure justly to every man what he contracted for. It was worse than useless, it was mischievous, if it failed in this object. It was imperfect, and required adjustment. But if it could be doubted what ought to be the conduct of a government under circumstances such as had been assumed, let it be considered, what would be the conduct of individuals? Under such circumstances as a great increase in the quantity of the precious metals, and a consequent great reduction of the value of money, what would be the conduct of any individual, to whom money should be owing; and who should be aware of the change which was going on? Such an individual would perceive, that he was about to lose a great part of his loans; that though the same nominal amount would continue to be owing to him, by his debtor, yet that such nominal sum would cease to possess its former value. He would demand payment. He would desire to invest his money in real property, the nominal monied value and income of which would advance, as money itself fell. But when this should be the conduct of creditors generally, what would be the proceeding of debtors, called on at once for payment on such grounds?—They would propose terms of compromise; of an adjustment of contracts, such as equity would dictate. It would be adjusted between the debtor and creditor, that, as money should fall in value, the nominal amount of debt should be increased. Some other standard than money would be adopted, by which the value of money itself would be from time to time determined. That standard would probably be the average price of bread-corn. Corn-rents had so originated. When wheat advanced one-half, taking the average, a debt of 1000*l.* would be made 1,500*l.*; when wheat doubled its price, the debtor would become bound for 2,000*l.*; and thus only could the different interests and transactions of society be conducted under such circumstances. This would be the conduct of individuals, and that which individuals generally would do for themselves; but which they could only do imperfectly, unequally, according to the different degrees of information which they possessed; that it was, precisely, which it became the duty of government to do for them. . . . .

But what, then, was the consistency of those who maintained that it was necessary to re-establish the old metal standard on the footing on which it had stood before the late war; unaltered; of the same value; and to maintain money on that precise footing, at whatever cost, and whatever interests were sacrificed to that object? The fact was, that the present standard which they were called on to support was not the ancient standard of the country. It was a new standard; it was one that had never existed in the country before the passing of Mr. Peel's bill. It was no distinction merely speculative of which he spoke. The standard now attempted to be imposed differed essentially, and in its real value, from the old standard of the country. The ancient metal standard was silver at 5*s.* 2*d.* an ounce. With this, gold had, for some time before the late war, been made a conjoint standard. The standard which was in existence up to the late derangements of the currency was a conjoint standard, therefore, of silver at 5*s.* 2*d.* and gold at 3*s.* 17*s.* 10½*d.* an ounce. That which was imposed by Mr. Peel's bill was one of gold alone, at 3*l.* 17*s.* 10½*d.* an ounce; and the difference in value between the two was 5 per cent; which difference had varied, since 1819, from 5 to 7 or 8 per cent. And the practical effect of the change thus imposed was no less than this; that if they should now abolish the standard of Mr. Peel's bill, and establish in its place that old standard, the authority of which it assumed, but which it did not possess, let the old standard be established, precisely as it existed before the late war, together with all the laws then existing connected with, and essential to it, and they would by that step at once establish a lower value of money; a higher monied price, for all lands, houses, rents, and real property of all kinds throughout the kingdom, to the extent of 5 per cent. The return to the old standard must necessarily reduce all monied prices. The attempt to establish the particular standard, introduced for the first time by Mr. Peel's bill, had reduced those prices 5 per cent below the rate which the old standard would have upheld. The return to the old standard must necessarily occasion a great pressure: the standard of Mr. Peel's bill carried that pressure still further. The re-establishment of the old standard (so far was it different from that of Mr. Peel's bill) would at once take off 5 per cent from the burthen of all existing taxes. It would give a relief from taxation, to the extent of three millions annually. The old standard would effect a saving of one and a half million annually in the interest on the national debt, and the public creditor be still paid the full amount of his dividends, in money of as high a value as ever had existed in this country; of as high a standard, as ever had been, or could be, directly claimed for the public creditor, by any of those who were most anxious to hold high public credit. It would save another million and half in pensions, pay, and salaries. All debts, and all contracts, would suffer a virtual reduction in an equal degree, whilst full justice would be rendered to all creditors. The burthen of debts, contracts, and taxes, had been increased of necessity by taking up again the old metal standard, the standard of 1819 had increased their burthen still further. The relief which would be given to the farmer, the debtor, and to payers of taxes, by establishing the old standard would be 5 per cent. If the present silver coin were made a legal tender, that relief would be increased to 12 per cent. Two years since, the hon. member for Taunton (Mr. Baring) had proposed a motion,* having for its object to abolish the standard of 1819; and to re-establish the ancient standard in its place, precisely as it had existed up to the late war; and he had rested his motion on these precise grounds, that thus would be relaxed (to an extent which he then calculated at 7 per cent) the pressure which had been imposed on the country, by Mr. Peel's bill. And how had that measure been resisted? Not by disputing that such would have been the effect of making silver a standard jointly with gold; that was admitted; the effects on prices, on debts, and taxes, of making silver a joint standard, was not denied, but it was denied that silver had existed as a standard up to the late war. The chancellor of the Exchequer (Mr. Vansittart) maintained, that the silver standard at *5s.* *2d.* had been long abolished and had no existence at the commencement of the late war. He maintained the fact to have been, that silver was not then by law a legal tender, except for small amounts, for sums under *25l.* On these grounds it was, that the motion of the hon. member for Taunton had been got rid of. But that assertion, then made by the chancellor of the Exchequer, was entirely destitute of foundation. It was another instance of the culpable want of information which had distinguished the whole of these proceedings. and of the manner in which men's property had been dealt with. Silver, and silver alone had been, as was well-known, the original standard of the country, and it had so continued till the commencement of the last century; and then gold had also been made a standard conjointly with silver; up to 1793 silver at *5s.* *2d.*, and gold at *3l.* 17*s.* 10½*d.* were both legal tenders, and, for any amount. Silver was a legal tender to the amount of *25l.* if tendered in coin of the Mint, although such coin were deficient in weight. Beyond *25l*, and for any amount beyond it, silver was a legal tender by weight at *5s.* *2d.* an ounce. If on the whole of each sum of *25l.*, the weight were sufficient, the tender was good, although some of the pieces were deficient in weight. So far, therefore, from silver not having been a legal tender, and a standard up to 1793, it was a standard on such a footing as that it might be considered paramount to gold, which was an adjunct to it.

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* See vol. v. p. 91 of the present Series.

How, then, did the question in this respect stand? The country was called on to submit to great and intolerable evils, in order to the re-establishment, as they were told, of the ancient metal standard of value. Debtors, for this object, were made to pay that which they had not borrowed; tenants rents which they had never contracted for. The productive classes were sacrificed to the unproductive classes; and all this was to be submitted to, because it was necessary to the re-establishment of the ancient monied standard, and the re-establishment of this standard, it was pretended, was necessary in order to support public faith, and the national character. No relaxation of the evils proceeding from that old standard could be heard of, it must be established, it was pretended, in its full purity, and of its former exact value; whoever suffered unjustly from it, and whatever interests were sacrificed; whilst the truth really was, that that very standard, which it was pretended could not to any degree, however small, be departed from, to relieve the victims of these atrocious measures, had been itself altered for their further oppression. These were, then, the inconsistencies to the support of which those were committed who were opposed to the present motion, the necessity and justice of which rested on grounds which had not been attempted to be impugned.

As soon as the hon. member for Callington had sat down, Mr. Western rose, amidst loud cries of "question!" and said, that he would waive his privilege of reply, on account of the impatience manifested by the House. The original question of Mr. Western with the words proposed to be added thereto by lord Folkestone, being then put, the House divided: Ayes 27; Noes 96.

List of the Minority.

Attwood, M.
Benett, John
Bennet, hon. H. G.
Barham, J. F.
Brougham, H.
Browne, Dom.
Denison, W. J.
Ellice, E.
Ellis, G. A.
Folkestone, visc.
Gordon, R.
Grant, J. P.
Griffith, J. W.
Hamilton, lord A.
Honeywood, W. P.
James, Wm.
Leycester, R.
Maxwell, J.
Monck, J. B.
Moore, P.
Pryse, P.
Palmer, C. F.
Pelham, J. C.
Tennyson, C.
Wells, J.
Wodehouse, E.
Wood, M.

TELLERS.

Western, C. C.
Titchfield, marq. of

MODE OF SELECTING GRAND JURIES —PETITION FROM LIVERPOOL.] Mr.

Denman presented a petition from certain inhabitants of Liverpool, praying that the House would take into consideration the mode of selecting Grand Juries, with a view of remedying the evils attached to it. The petitioners complained, amongst other things, that great inconvenience and injustice arose from the circumstance of a particular class of persons only being summoned to serve on grand juries. In consequence of this mode of proceeding, the grand jury of the county of Lancaster had become a sort of standing jury, the same names being continually placed on the panels. The petitioners attributed the failure of justice in the trials of the Manchester Yeomanry mainly to the manner in which the grand jury of Lancashire was nominated. One of the statements of the petitioners was, that the number of persons who had served as grand jurors in Lancashire, during the last 12 years, was only 38, whereas it ought to have been 163.

Mr. *B. Wilbraham* thought, that the House ought not to interfere with the province of the high sheriff in summoning grand juries.

Lord *Stanley* observed, that the mode of nominating grand juries in Lancashire was precisely similar to that pursued in every other county.

Mr. *G. Philips* said, that the subject was one of the greatest importance. He believed that the allegations of the petition were strictly correct, and that the mode of selecting the grand juries of Lancashire partook much of the nature of a monopoly. Under such circumstances, it was not improbable that the political prejudices of the grand jury should interfere with the rights of justice. It certainly had created no little surprise in his mind, that the grand jury had thrown out the bills which were preferred against the Manchester Yeomanry. He was of opinion, that the subject of the nomination of grand juries should undergo a complete investigation.

Ordered to lie on the table.

ROMAN CATHOLIC MARRIAGES.] Dr. *Phillimore* presented a petition from the rev. Dr. Poynter, praying that the Roman Catholics of England might be placed upon the same footing as those of Ireland, with respect to the performance of the marriage ceremony.

Lord *Nugent* said, that the case of the English Catholics with respect to the restrictions on marriages was a hard one, and called for redress.

Mr. *Monck* approved of the removal of the restrictions on the celebration of lawful marriages by Catholic priests. In some parishes in London there were thousands of Catholics who married according to the rites of their own church, and whose children were consequently in law bastards and burthens to the parishes where they were born, instead of being removable with their parents.

Sir *J. Mackintosh* said, he had a petition to present from the parish officers of a large and populous district, complaining of the burthen brought upon them, and the injury to the country in general, in consequence of the law making the marriage of Roman Catholics by their own clergy, unlawful. They represented the disregard of solemn vows, the abandonment of offspring, and the profligacy and distress occasioned by this useless and absurd law. The petition was from the churchwardens, overseers, and guardians, of the poor of the parish of St. Luke's; they stated that in their parish, which contained 40,000 people, a large proportion of the population were Catholics, natives of Ireland, who preferred to be married according to the usage of their own religion and country. The children of all such marriages were in law bastards, had no natural guardians, were chargeable to the parish, from which they could not be removed with their parents, were legally orphans from their infancy, and were exposed to the wiles of seduction and to all the guilt and misery consequent on such a state. The petitioners prayed for the alteration of this law, which alteration would be an extension of toleration, without conferring the slightest degree of political power.

Mr. *M. A. Taylor* thought, that some legislative measure should be introduced to remedy the evil; but many of the inconveniences complained of might be attributed to the conduct of the Catholic priests themselves; for they must know, that such marriages were null and void, and they ought, therefore, to refuse to perform the ceremony, until the parties had first been married according to the rites of the Church of England. This was done by the Catholic priests in Durham, and if adopted in other places, would obviate many of the evils complained of. At the same time, a legislative remedy ought to be provided.

Dr. *Phillimore* said, he had framed such a bill some years ago, but on sounding the opinions of certain individuals upon it, he found that it would excite opposition in another place.

Mr. *Grey Bennet* hoped the learned gentleman would not be deterred from introducing such a measure, by what he knew of the opinions of certain individuals upon the subject. The law as it now stood was a disgrace to the country. He trusted the learned gentleman would not delay the introduction of his measure.

Mr. *T. Ellis* expressed a hope that his learned friend would not be deterred from introducing the bill. Though not favourable to granting to the Catholics any accession of political power, he would go as far as any member to remove all their disabilities, short of the granting of such power.

Mr. *J. P. Grant* also hoped, that his learned friend would not delay the introduction of the bill. It had been stated, that the marriage of Catholics by a Catholic priest in Scotland was valid. True, it was so, because marriage, by the law of the country, was looked upon as a civil contract; but, by an act of the Scotch parliament, still in force, a Catholic priest was subjected to heavy penalties for performing the marriage ceremony between two Catholics, though the marriage would still be valid. It had happened to him to have to defend a Catholic priest, in a prosecution instituted against him, for an infraction of this law. His client was fortunately acquitted, and he believed that since then further prosecutions under that statute were abandoned.

Ordered to lie on the table.

HOUSE OF LORDS,

Thursday, June 12.

Dissenters Marriages Bill.] On the order of the day, for the second reading of this bill,

The Marquis of *Lansdown* stated, that the purport of the bill was, to relieve Protestant Dissenters and Catholics from the situation in which they were placed by the former marriage act, which compelled them, in opposition to the scruples of their conscience, to one act of conformity with the doctrines of the established church. It had been admitted by men of all parties, that they were entitled to some relief, and that some means should be found to rescue them from the necessity of violating their own religious feelings, or of abstaining from contracting a tie important to their own happiness as well as to the welfare of society. The petitions which had been laid before their lordships, and the communications that had been made by bodies of Dissenters to the noble earl opposite, were alone sufficient to establish their case. To some of them, the higher and more enlightened Roman Catholics, the present state of the law was not particularly objectionable; but with the lower classes of Catholics the objection was insurmountable. The result was, that rather than perform such an act of conformity, they preferred contracting marriages legally invalid. Hence arose the petition of the churchwardens and overseers of one of the most populous parishes in the metropolis, who prayed that Roman Catholics might be allowed to solemnize marriages in their own churches, and according to their own rites; as, in consequence of the present practice, their parish was crowded with illegitimate children. The bill now before the House would extend to Catholics and Dissenters the facilities granted to Jews and Quakers by lord Hardwicke's Act; but with such regulations as were necessary to give security to property and to all the relations which marriage created. The religious ceremony would be left to be regulated by themselves according to their particular tenets. All that was asked was, that after having gone through the forms required by law, and having paid the fees due to the established church, Dissenters should be allowed to marry in their own churches, and that their marriages should be regularly registered, under the inspection of the clergymen of the parish in which they resided. He was far from thinking the bill perfect, and objected in particular to the clause which provided that marriages might be solemnized in any licenced place. He thought that marriage should only be celebrated in chapels consecrated to divine service. All the objectionable provisions, however, might be removed in the committee.

The *Lord Chancellor* regretted that he was obliged to oppose the motion of the noble lord. But, the very view which the noble lord himself took of it, justified him in calling on their lordships not to make so great an alteration as the bill contemplated, at so late a period of the session. The bill was marked by a generality of provisions, which showed the impossibility of carrying it into effect. Although a firm friend to the Church of England, he thought he might say, that he took as just a view of toleration as any noble lord in that House could do: but he could not go the length to which this bill pointed. For by it, where a marriage took place between a Catholic and a Protestant, the Protestant was left entirely out of the question. The marriage must be by the Roman Catholic form, and no provision was made for satisfying the scruples of the Protestant. The bill was founded, it was said, on a tenderness for the religious principles of particular sects: but, if those principles led men to deny Christianity, were they to lend themselves to an extended toleration of that sort? To what would this bill go? It would enable persons to open a place for the celebration of marriage in every town and village throughout England; and that, not for individuals whose religious tenets were known; but it would introduce the followers of Joanna Southcot, together with ranters, jumpers, and various other sects, of whose principles they knew nothing. It went even further; for it gave protection to all those religious opinions which might hereafter be promulgated. The bill, it might be said, could be amended: but he pressed on their lordships to consider, whether they could, with propriety, at that period of the session, set about amending a bill, having for its object such mighty changes in the law of marriage. It would be much wiser to give this bill up, and to have another measure introduced early in the next session.

The Earl of *Liverpool* said, he must give the bill, as it now stood, his decided negative; because it contained provisions to which he never could accede. The object of the bill he, however, admitted to be necessary and expedient, to a certain extent. He, therefore, differed from his learned friend, who wished the measure to be withdrawn altogether. Even at that late period of the session, it might be sent to a committee, to inquire whether a part of it might not be retained, if the object could not be effected by some other mode; and certainly the present measure did not appear to him to be the most advisable mode. The argument for the principle of the bill was unanswerable, after we had recognized that principle in the case of the Jews and Quakers. There were parts of the marriage-ceremony which certain sects could not conscientiously agree to; and to say to those persons, "We will either force you to go through that ceremony, or we will prevent you from entering into that state of life which is necessary for your happiness, and for the preservation of your virtue," could not be maintained to be a just doctrine. He would not, however, grant relief by a measure which, like the present, was accompanied by all the inconveniences described by his learned friend, as well as by many others which he had not pointed out. He thought no difficulty could arise with respect to Roman Catholics, who might be put on the same footing as the Quakers, and Jews; but as to Dissenters, a certain portion of the service might be omitted, if the church did not object to it. There was one provision of the bill which compelled the parties, not only where both were dissenters, but where either was a Dissenter, to be united according to the dissenting forms. Here was A, a member of the Church of England, and B, a dissenter, about to be united. Now, was it unreasonable that the conscience of each should be satisfied, by having the ceremony performed according to the rites of the two churches? But, if the bill were passed as it stood at present, they might be married in any church, as dissenters, but A. could not have the rites of her own church. This was a principle so objectionable, that it could not stand. It would be a legislation against the church establishment. Another point of great importance was, that the parties should be *bonâ fide*, and not nominal, Dissenters. Again, the provision, with respect to the chapel or place where marriages might be solemnized, called for revision. Under the present bill, marriages might be contracted in every ale-house. He would not, however, oppose the second reading.

The Archbishop of *Canterbury* said, he had heard with considerable alarm the suggestion of the noble earl, with respect to the marriage-service. It was, he believed, the first proposition ever made in that House, to alter the liturgy of the established church. And for what purpose? For the purpose of accommodating those who were not of the Church of England—to accommodate sects who founded their faith and religious belief on private and unlearned interpretations of the Scriptures. No man had a greater respect for toleration than he had. But the extent to which it should be allowed, was the business of the legislature, and not of the church. He knew of no other just limitation to toleration than that which was laid down by the legislature. The present bill went beyond the point to which it should go; namely, that of giving relief to scruples of conscience. Under proper regulations, such relief might be given; but the present bill went further, and interfered with matters of discipline.

The Bishop of *Worcester* admitted that the bill was imperfect; but, with all its imperfections it might be sent to a committee, if it were only to show that the subject was deemed worthy of serious consideration. He conceived that some relief might be given; but what, he would not take upon himself to say. With respect to what had fallen from the noble earl, he had only thrown out a suggestion as to the marriage service; observing at the time, that it could not be carried into effect without the concurrence of the church, and even then he had only spoken of omitting certain parts of the service in solemnizing the marriage of Dissenters.

Lord *Redesdale* opposed the bill, both in principle and in detail. It would have the effect of converting the licenced meeting-houses of Dissenters into so many Gretna-greens. As the bill now stood; two individuals, not Dissenters, but members of the the Church of England, might get married under its provisions.

The Earl of *Harrowby* said, that, much as he desired to give relief to the Dissenters, he could not consent to give it to the extent proposed by the bill. He thought that by going into the committee a more unexceptionable bill might be produced next session.

The Bishop of *Chester* objected to the bill, because it affected the discipline of the church and the interests of the clergy. He thought that time ought to be given to the clergy to present petitions to the House, if they should think it necessary to do so.

Lord *Calthorpe* thought, that sufficient had been stated to induce their lordships to go into a committee on the bill. He looked to the agitation of the subject without the smallest apprehension; because, the more the just rights and privileges of the Church of England became the subject of consideration in Parliament, the more would that church recommend itself to the respect and affection of the country at large. Neither the interests of religion, nor of the church, called on them to force individuals to an apparent acquiescence in opinions which, in their view, were repugnant to reason, and unauthorized by Scripture. For this reason, he wished the bill to be sent to a committee. He by no means pledged himself to support all its provisions; but it met with his qualified approbation.

The Bishop of *Landaff* thought, that, before the legislature consented to such a bill as this, they ought to be satisfied who were the persons by whom, and under what forms, the marriages were to be solemnized. Excepting the Jews, the Catholics, and the Quakers, no Dissenters had any peculiar marriage service of their own. Was it not doubtful whether they would admit the service which the legislature might impose on them? The moral and religious interests of the community would not be safe, if such a latitude were permitted as this bill tended to allow. He admitted that it was a question well deserving consideration; but it was one which could not be decided off-hand. He wished it to be withdrawn for the present.

Lord *Ellenborough* said, that the real object of the bill was, to relieve religious scruples, and nothing else. The right rev. prelate had asserted, that the moral and religious interests of the community would not be safe under the provisions of this bill. Now, he thought those interests were not much advanced by forcing persons, in despite of their religious scruples, to an occasional conformity. The right rev. prelate admitted that the subject demanded consideration. Why, then, not go into a committee, and see whether the bill could not be rendered satisfactory? With respect to the alteration of the liturgy, he doubted whether it could be effected, so as to include all Dissenters, without doing that to which he had a most serious objection; namely, converting marriage into a mere civil ceremony. There were few things which gave him more pain than to see the right rev. bench always indisposed to give relief to tender consciences. What was required of the legislature by this bill was but little; what the legislature at present required of the Dissenters was a very grievous obligation.

The Earl of *Carnarvon* was anxious that the bill should go to a committee.

It might there appear advisable to postpone the decision on the measure. By adopting the course recommended, their lordships would next session be better prepared to go into the discussion of this important question.

The Marquis of *Lansdown* said, that had it not been from the apprehension that an insurmountable objection would be found to exist to such a proposition, it would have been proposed to substitute another form of marriage in the liturgy. He had introduced the measure, although late in the session, that it might receive as much consideration as possible, with no wish, however, to press it to a complete adoption. On the contrary, it was desirable that the recess should be allowed for the purpose of further digesting the bill. At the same time, however, he could not conceal the disappointment which he felt at the objections which had been made even to going into a committee on the bill, in order to see if the existing evil might not be remedied.

Their lordships divided: For the second reading, Contents 15; Proxies 6—21. Not contents 15; Proxies 12—27. Majority against the second reading, 6.

HOUSE OF COMMONS.

Friday, June 13.

Barilla Duties Bill.] The House having resolved itself into a committee on the Barilla Duties acts,

The *Chancellor of the Exchequer* said, it was not his intention to establish a permanent law imposing a high duty upon barilla for the purpose of encouraging the manufacture of kelp. His measure was merely temporary. There were peculiar considerations belonging to this case which induced him to extend to the kelp-makers such relief and protection as was practicable. He owned that the distress among them was extremely great: not less than from 80,000 to 100,000 persons were, in some way or other, employed in this branch of trade; and, from motives of humanity, it was necessary to do something for them. He therefore proposed a resolution for raising the existing duty on barilla from five to eight guineas; the new duty to begin on the 5th of January 1824, and to continue for five years.

Mr. *Denison* wished that sufficient time should be allowed to the soap-makers, to receive consignments of barilla contracted for under the duty of five guineas.

Mr. *Campbell* strongly supported the resolution, observing that if it were not carried, 2,000 persons on his own estate only would be thrown out of employ.

Mr. *Calcraft* felt himself called upon to support the resolution. Want and misery would be entailed upon the kelp-makers if it were not carried. He objected to high duties in general, but thought that in this case the injury to the merchants, &c. would be less than to a large population on the west coast of Scotland.

Mr. *K. Douglas* thought it would be better to defer the measure till the next session, and that the kelp manufacturers would not suffer any material injury in the mean time.

Lord *A. Hamilton* said, that much injury had been occasioned by the vacillating policy which had been pursued with respect to these duties. He thought that the measure could not be pressed too rapidly.

Mr. *Ricardo* contended, that the only ground on which the resolution could be supported was that of humanity. The same reasons that now induced this augmentation, would exist at the end of five years to warrant its continuance. He objected to temporary expedients of this kind, and to the principle on which they were established.

Mr. *T. Wilson* opposed the increase of the duty.

Mr. *J. P. Grant* supported the proposition.

Mr. *Hudson Gurney* said, that every statement he had heard confirmed him in the opinion, that the re-imposition of the duty on barilla would be of little or no benefit to the kelp-growers, and would, as necessarily increasing the price of soap—one of the most material articles of common life—be one of the most shameful measures that could have been devised. He held in his hand a paper which had been directed to be delivered to Scotch and Irish members only; but he trusted the English members would do their duty to their constituents and not allow this bill to pass.

Lord *Binning* denied that the benefit was imaginary. On the ground of humanity he claimed this increase of duty, though it might be in opposition to the cold rules of political economy. He did not care one straw for political economy in a case of this kind.

Mr. *Marryat* condemned the variable policy out of which this proposition arose. It put all property to hazard, and sported with the capital of the country. He could not consent to a fresh change without due notice being given to the parties interested.

Mr. *Hume* said, that since the duty on barilla had been taken off, the price of kelp had risen. Unless the chancellor of the Exchequer, in a committee up stairs, could make out his case, he could not vote for the resolution.

Lord *F. Gower* felt himself bound to support the proposition.

General *Hart* would vote for the proposition, which he considered necessary for the support of a great part of the population of the north of Ireland.

Mr. *Grey Bennet* thought previous inquiry absolutely necessary. Much had been said on the score of humanity, but he feared there was a great deal of self-interest mixed up with that appeal. The property in kelp manufactured had doubled since 1792, whilst every other species of property had decreased. He had a suspicion that this case, if investigated, would resemble the case of the Scilly Islands, which had been brought under consideration some years ago, and had taken a large sum out of the pockets of the people.

The committee divided: Ayes 100. Noes 20. Majority 80.

List of the Minority.

Calcraft, J. jun.
Cradock, col.
Douglas, W. K.
Denison, W. J.
Gordon, R.
Grenfell, P.
Gurney, Hudson
Hume, J.
Maberly, J. L. jun.
Marryat, J.
Proby, hon. G. L.
Parnell, sir H.
Palmer, col.
Pares, T.
Philips, G. jun.
Ricardo, D.
Rowley, sir C.
Thompson, ald.
Wilson, T.
Wood, Matthew.

BEER DUTIES BILL.] On the order of the day, "that the report of this bill be now received" being read,

Mr. *Denison* complained of the clause of the bill which prevented the brewers of table beer from making the medium description of beer without erecting new premises. This enactment he considered most unjust and oppressive. The table-beer brewers were ready to submit to any penalties to guard the revenue from any infringement of the laws. The bill accompanied by this clause was so objectionable, that he should wish to see it put off to another session; when a committee might take into consideration the condition of the beer trade in general. He would move as an amendment, "that the report be received this day three months."

Mr. *Maberly* concurred in thinking the bill most unfair upon the brewers of small beer, who only wished to be enabled to retain the business they carried on, without the needless expense of erecting new premises. The whole state of the trade required investigation. He would next session move to repeal all the duties on beer; which would put the poor who bought their beer from the brewer, on a level with those who brewed their own beer. The duty increased the price of beer to the consumer one penny per pot.

Mr. *Monck* said, that the bill gave satisfaction to no one The effect of it was, to lay a new duty on small beer. Table beer, as the law stood, was allowed to be brewed at the rate of six barrels from a quarter of malt; the new beer was to be brewed at the rate of five barrels; and for this increased strength of 20 per cent, an increased duty of 150 per cent was charged. In the trade, restricted as it was, no man would be found to embark. If the chancellor of the Exchequer would allow the strength to be four barrels to a quarter instead of five, something perhaps might be done.

The *Chancellor of the Exchequer* said, that the restrictions on brewing in the same premises different kinds of beer, paying different duties, were necessary to prevent frauds upon the revenue and the consumer, by mixing them. As to the proposed change from five to four barrels a quarter, it would absolutely ruin the porter brewers; whose beer would be scarcely superior in quality, and who yet would remain charged with 10*s.* a barrel.

Mr. *Bernal* insisted, that the precautions against mixing the two sorts of beer were both futile and vexatious.

Mr. *C. Smith*, though not in the habit of opposing the chancellor oft he Exchequer, must vote against the bill.

Mr. *Ricardo* thought the bill would be inoperative and it certainly was very unjust; as it, in fact, confiscated the property of the table-beer brewers. As to the idea of preventing weak beer from being put off on the public for strong, the public might be safely left to take care of itself. No harm could be done by passing the bill without the vexatious restrictions; at least for a year, by way of experiment.

Mr. *Wodehouse* opposed the bill, and suggested that it should be postponed to the next session when a full inquiry might take place.

Mr. *Marryat* wished to know the reason of the arbitrary distance of 200 yards which was required between one brewery and the other? He knew a brewer who had two premises 150 yards distant from each other. The erection of another would cost 10,000*l.*

Mr. *Herries* defended the bill, and thought the restrictions necessary, to secure to the public the full benefit of competition, by bringing a new race of brewers into the market.

The Marquis of *Titchfield* opposed the bill as it stood, and considered that it would have no tendency to encourage the brewing of a better sort of beer, as the business would not be undertaken except by those who could incur the expense and risk of new buildings for the purpose.

Mr. Alderman *Wood* opposed the bill, and suggested the removal of the beer duty altogether. The new beer would be such trash as no labouring person would drink. It would find no consumers, he hoped, in London, nor any where else.

The House divided: For the amendment, 26. Against it 32. The report was brought up. On the motion, "that the amendments made by the committee be now read a second time," the marquis of Tichfield moved as an amendment, "that the bill be re-committed." The house again divided: For the amendment 26. Against it 36. The report was then agreed to.

List of the Minority.

Bernal, R.
Bennet, hon. H. G.
Calcraft, J.
Coffin, sir I.
Hume, J.
Houldsworth, T. H.
Marryat, J.
Martin, J.
Mundy, F.
Monck, J. B.
Marjoribanks, S.
Newman, R. W.
Oxmantown, lord
Palmer, F.
Phillips, G.
Phillips, G. jun.
Pelham, C.
Rice, T. S.
Ricardo, D.
Scarlett, J.
Smith, C.
Titchfield, marquis of
Tulk, C. A.
Wood, M.
Wilson, T.
Wodehouse, E.

TELLER

Denison, W. J.

CHIEF BARON O'GRADY.] On the order of the day for going into a committee on the judicial fees received by the chief Baron of the Irish Exchequer, Mr. Spring Rice moved, "That the ninth report of the commissioners appointed to inquire into the Duties, Salaries, and Emoluments, of the Officers, Clerks, and Ministers of Justice, in all Temporal and Ecclesiastical courts in Ireland, be now read."

Mr. *Scarlett* rose to object to the entertainment of a motion so gravely affecting the character and honour of an officer of high judicial rank, at a period of the session when it was impossible to hope that they could draw the inquiry to a conclusion within the time of their sittings. He would support the motion, if introduced early in the next session; but he could not, under all the circumstances, refrain from opposing it, if pressed at the present moment.

Mr. *S. Rice* protested, that his proceeding in this matter had been guided throughout by a sense of justice and a regard for the honour of Parliament. If he were compelled to postpone the discussion after the repeated delays which had occurred, he must be exculpated from any share in the blame. Let it be remembered, that, on the last occasion in which this subject was to have been discussed, an hon. member, who must be supposed to feel more interest in it than any other gentleman in the House, deprecated the delay, even of four or five days, as being in the highest degree prejudicial to the character and feelings of the high personage whose conduct was to be called in question. He would not therefore subject himself to the imputation of injustice by assenting as a matter of course to delay. From that quarter alone it could with propriety be asked of him; and if it were solicited by that hon. gentleman, and the call were backed by that of the House, then he would acquiesce. But in that case he would not take upon himself any future responsibility, nor would he feel himself engaged to renew his notice next session. He would leave it to those whose business it was to watch over the administration of justice to do as they pleased with it.

Mr. *Scarlett* repeated his objections to having the character of a judge drawn into question, unless they were prepared to go through the whole of the case. The requisition of his hon. friend did not, he thought, perfectly consist with his usual kind disposition and good feeling. He felt the greatest sympathy for the young gentleman to whom allusion had been made; and after the opinion he had expressed he ought to be the last man in the House from whom any call of delay should be expected. But it was not at his request that he (Mr. S.) made this application for postponement; though he had felt it a duty to inquire if that hon. gentleman had any decided objection to urge to postponement, in case such should be the desire of the House. That hon. gentleman had left the question entirely with the House; and, considering the lateness of the session, the difficulty of the inquiry, and the uncertain nature of the charges, he could not consent to allow this discussion to go forward.

Mr. Secretary *Canning* agreed as to the propriety of postponing the discussion. He had examined the question, and he was prepared to vote upon some of the propositions of the hon. gentleman; but there were others, upon which, without further inquiry, he was not prepared to vote, and therefore he thought it had better be postponed till next session.

Mr. *S. Rice* said, that if the inquiry were postponed, he would not pledge himself to renew it. If the postponement were forced upon him, he could not resist it: but he would say, that that postponement was no act and deed of his.

Sir *J. Newport* thought the postponement unnecessary.

Mr. *Hutchinson* said, that it appeared to him that the majority of the House would be for delay.

Mr. *Hume* enforced the necessity of taking up this long-delayed inquiry. Ministers ought to consent to go on with it, or at any rate to show some regard for the purity of the justice seat, by suspending the chief baron until it should be determined.

Captain *O'Grady* said, he would not offer a single opinion on the subject of the inquiry. He certainly had given the learned member for Peterborough to understand, that if the House were decidedly in favour of postponement, he would not stand in the way for a moment; with this understanding—that nothing in his conduct should be drawn into an imputation on the conduct of the learned judge for whom he felt so deeply interested.

Mr. *S. Rice* left it with the House, or with ministers, to prosecute the inquiry, should they now determine on a postponement.

Mr. *Wetherell* objected to laying a responsibility on ministers which belonged to the House, and advised the postponement of the subject.

Mr. *Peel,* though he thought delay necessary, could not assent to the proposition of the hon. member for Aberdeen, to suspend the chief baron, upon charges not yet established.

Mr. *Canning* said, that rather than undertake the responsibility which the hon. gentleman would impose on him, he would go into the discussion at once.

Mr. *S. Rice* said, that then he would go on.

Dr. *Lushington* admitted that ministers ought not to promote this inquiry, because there was an influence naturally attached to their stations which must act prejudicially to the justice due to any parties against whom they might appear.

Mr. *Denman* objected to further delay upon a case made out by two judicial commissions, and confirmed by two reports of that House. It was idle to suppose that there was no ground for suspecting the chief baron of malversation in his court. He strongly objected to the opinion, that ministers were not bound to take up the case officially. If it was not their duty on whom did the duty devolve? Were not the judges places filled by them? Had they really no responsibility in seeing that justice was not polluted by those whom they appointed? He maintained that the responsibility of this and every such inquiry rested with ministers, and would object to the postponement.

Mr. Secretary *Canning* disclaimed, for his majesty's ministers, the right as well as the intention of interfering in this business as the promoters of it. The hon. and learned gentleman was quite mistaken if he thought he would be induced to fall into the trap which had been so ingeniously laid for him. He would not consent to swell, upon this occasion, the triumph of those gentlemen, who, upon other occasions, were his adversaries. No conduct of theirs should force the prosecution of the business into his hand, nor, if his advice were listened to, into that of any of the hon. friends with whom he acted. He would, if it should become necessary, attend at every step which should be taken, but he would do no more. The right hon. gentleman referred to the impeachments of Warren Hastings, and of lord Melville, in neither of which the ministers had taken any part, and concluded by expressing his opinion that the postponement of the inquiry was expedient under existing circumstances.

Mr. *Wilberforce* was in favour of the postponement, on the ground that many members were not prepared for the discussion.

Mr. *Scarlett* then moved, as an amendment, "That the further consideration of the said report be postponed till the next session."

Mr. *Hume* protested against any further delay, and stated that, in his opinion, the inquiry was about to be put off by connivance on both sides of the House.

Mr. *Scarlett* repelled, with considerable warmth, the assertion that the proposed postponement was the result of connivance.

Mr. *Wynn* thought the better mode would be, to refer the matter again to a committee.

Mr. *M. A. Taylor* urged the necessity of going into the inquiry. When a judge was charged with criminality, he ought to be acquitted or condemned, with as little loss of time as possible.

Colonel *Barry* said, if his hon. friend would pledge himself to go on with the inquiry next session, he would vote for the postponement; but if he declined doing so, he should call for immediate inquiry.

Sir *J. Newport* was desirous that the inquiry should be proceeded in at once.

Mr. *S. Rice* stated, that he had repeatedly offered to bring forward his charges, and had constantly been met by an application for delay. He would not, therefore, pledge himself to bring the subject forward next session. The House should consider that there were two parties in this case. This procrastination must be painful to the learned person against whom the charge was made, and it must also be painful to the individual by whom it was agitated; who might, however unjustly, be accused of not being anxious to press forward this always-postponed accusation.

Mr. *Grey Bennet* said, that his majesty's ministers were determined not to meet any case of this kind as they ought to do. They were the shelterers of every thing that looked like criminality. It was a part of their system. But their proceeding on this occasion must open the eyes of the country. Here was an accusation brought against one of the judges of the land, and ministers refused either to place him in that situation of honour which his innocence justified, or to consign him to that punishment which his offence deserved.

Mr. *Secretary Peel* said, he would ask the hon. member who assumed so lofty a tone, whether he had been present at the debate? He should like to know at what period of the night this advocate for justice had come down to give his opinion on the course pursued by ministers? The hon. member, having been absent during the whole discussion, and, of necessity, ignorant of what had taken place, had come down at 11 o'clock at night and accused of a wish for postponement those who had said that they were ready to go on, and did not wish to throw any obstacle whatever in the way of inquiry. All the information that the hon. gentleman could have obtained must have been at second hand, and was evidently erroneous. Having grossly neglected his own duty, the hon. member came down at that late hour and talked of others compromising justice. The question on which the House were about to divide was the motion of the hon. gentleman's learned friend the member for Peterborough for postponement. How did the hon. gentleman know how the members of his majesty's government intended to vote on that proposition? For only one of them, the President of the Board of Control, had expressed any opinion on the subject.

Mr. *Brougham* said, he had the misfortune, on this occasion, to be one of those who had been, for the last three or four hours, guilty of a gross (he believed that was the expression) abandonment of his duty towards that House, by absenting himself from it, while this lively discussion was going on; and, therefore, according to that right hon. authority, he had no right to state his opinion. He was, however, in time to vote; and, though a man who had no right to vote on a great personal or political question, had certainly no right to speak on its merits, he believed it would be conceded to him that he who possessed the right of voting was also entitled to the privilege of stating the grounds on which he gave his vote. He was, however, happy to find that a new era was about to commence in that House, and that, henceforth, none were to deliver their sentiments who had not been present all the evening. Heretofore many complaints were made of empty benches, and on many occasions—and those, too, of importance—little else was encountered by the eye, except the brown and green colours which distinguished their seats, because gentlemen were disposed to commit "a gross dereliction of their duty," and to stay away during a debate. But, melancholy as the fact was, the seats, some how or other, became empty every evening about seven o'clock. This was the way business had been carried on in that House. But ministers were about to set a good example; and he, who was a reformer, would be happy if the principle were adopted, that no man should be allowed to vote who had not heard the discussion. He thanked the right hon. gentleman for introducing the principle—although he was somewhat surprised at the high tone he had assumed. It was a pitch too high for any man; but it was entirely too high for one who was so remarkable for his suavity on other occasions. The right hon. gentleman, however, thought that he had gained an advantage over his (Mr. B.'s) hon. friend, for the first time in his life, and he had raised his voice accordingly, since it was undoubtedly something rather new to him [Hear, hear! from the ministerial benches]. He knew that was not the opinion of the squadron opposite, but he was sure it was the opinion of the House in general, and of ninety-nine persons in every hundred out of the House. But the right hon. gentleman in making his attack, like other unskilful generals, had gone too far, and got into the adversary's fire. How was the business of the House done? Between six and seven o'clock every evening the benches were deserted. If an angel were speaking, and the subject was one of sufficient importance to interest Heaven itself, symptoms of impatience would appear (unless, indeed, it was a personal question—a question relative to the royal family would do much) about the hour he had mentioned, and gentlemen quitted the House. However important the question to the nation—however serious in itself—how great soever the talents might be of him who urged it forward—still, one by one, the members left their places, more numerously from the opposite side than from that on which he was speaking [Hear, and laughter]. The seats were left to their repose, and those who came in at 7 o'clock, when the evacuation had taken place, would find nothing but bare benches [a laugh]. Then let them look to the custom of pairing off—

Sir *F. Ommanney* said, "You paired off with me this evening." [a laugh].

Mr. *Brougham* proceeded. He contended that his hon. friend had not been guilty of any indecorum in arguing the point when he arrived at the House. The question was, whether he was right or wrong in his observations. His hon. friend knew the course the hon. gentlemen opposite intended to take [No, no]. Why, surely he might depend on the word of his hon. friend the member for Montrose, who was present from first to last. Were not ministers disposed to support the motion? [No, no]. Would they oppose it? [No, no]. Then they were like Mahomet's coffin, suspended between the two points. It appeared that no one knew the course they meant to take. See, then, the little bad effect which absence had created. If his hon. friend and himself had been present, they would not have been a bit the wiser. His friends near him had witnessed every indication given by ministers, both by word and sign, and yet they could form no idea whether those gentlemen intended to support the question or not. His hon. friend was in a state of ignorance, being absent, and he would not have been less so had he been present. He rose principally to protest against the tone assumed by the right hon. member. With respect to the new principle laid down by the right hon. gentleman, he had no objection to it. He was happy to hear from ministers that the practice of deserting the House was now to cease. It was a salutary change, and would affect none except those whose only business it was to give a silent vote.

Mr. Secretary *Peel* thought it impossible that the hon. and learned gentleman, who seemed to have been occupied in a much pleasanter way than in doing his duty in that House, could have heard the remarks of the hon. member for Shrewsbury. He (Mr. Peel) had not objected to the hon. member for Shrewsbury's giving his opinion on the motion. What he had said was, and he still maintained it, that it was extremely unfair, on the part of the hon. gentleman, to prefer an accusation against his majesty's government without having any ground whatever for the charge. As to the tone of which the hon. and learned gentleman complained, it was the natural tone of a man who felt himself and his friends unjustly accused.

Mr. *Bennet* observed, that having read the whole of the evidence taken before the committee, and endeavoured to make himself master of the subject, he felt himself quite competent to speak to the question. Having been informed of the speech which had been made by the right hon. the Secretary of state for Foreign Affairs, he certainly had conceived, and he still did conceive, that there was some compromise or connivance on the part of his majesty's government.

The amendment was negatived without a division, and the House agreed to go into the committee on Tuesday.

HOUSE OF LORDS.

Monday, June 16.

Silk Manufacture Bill.] The *Lord Chancellor* said, he had a petition put into his hands, which, as it contained nothing disrespectful in its language, and related to a measure of very great importance to the petitioners, he thought it his duty to present. It was from the operative silk-weavers of Spital-fields against the bill now in progress. With respect to the disputed objects of the manufacturers on the one hand, and of the weavers on the other, he did not profess himself to be a competent judge. The subject was important, and he would, for the present, only express his hope that those who approached that House as petitioners asking its favour and protection, would continue to deserve it, by their peaceable and orderly conduct.

The Earl of *Liverpool* said, that it was the full and decided conviction of those by whom the bill in question was introduced, that the alteration of the law which it proposed was absolutely necessary for the just interests of the Spital-fields manufacturers. It was equally their opinion that the bill would not, in its operation, be found to militate against the interests of the labouring weavers. Such was the principle on which the measure was founded. It, however, turned out that many of the latter class took a different view of it, and a large body of the weavers of London and Westminster had petitioned against the bill. It was his opinion and his feeling, that, before the House proceeded to adopt a measure so interesting and important to that class of men, that they ought at least to receive a full and patient hearing. It seemed to be their impression, that the proposed alteration of the law would aggrieve them. They were, therefore, in fairness entitled to a hearing. The petitioners were a body of men who had conducted themselves with the utmost propriety. They were a sound, orderly, loyal body of men. He spoke not from their conduct during the agitation of this measure, but on former occasions. When the poor were labouring under the pressure of scarcity or famine, and under the most trying circumstances, their conduct had been orderly and loyal. He hoped he was not going out of his way in making these observations. Without entering more than he had done into the principle of the bill, he only asked for the petitioners the undoubted right of the subject to be heard in their own case. There existed a standing order of their lordships' House, that any bill relating to trade or commerce, should be referred in the first instance to a select committee. It was necessary that the petitioners should be heard, either by counsel at their lordships' bar, or in a select committee. He therefore proposed that the bill, under the standing order of the House, should be referred to a select committee on Wednesday next.

Lord *Ellenborough* said, he held in his hand two petitions, the one was signed by 179 manufacturers, the other was signed by about 10,000 persons, inhabitants of Bethnal-green, against the bill. He had heard, with great satisfaction, the observations of the noble earl on the general conduct of the petitioners. In those observations he cordially concurred. It was impossible to speak in terms of too strong commendation of the conduct of those persons—of the loyalty and good order which, for half a century, had distinguished them. They had been at all times inaccessible to those who endeavoured to turn the feelings of the people against the institutions of the country. In times of difficulty, of distress, of famine, they had been distinguished for their patience, their temper, and their respect for the laws. They had therefore no ordinary claims upon the indulgence of their lordships. The peculiarity of the bill before their lordships was this; it brought under the consideration of parliament regulations affecting the silk trade—it proposed alterations respecting that trade at a time when that trade was not only not in a state of depression, but when it was unusually prosperous. Of the improved state of that trade their lordships would form a judgment, when he stated that the annual quantity of silk imported 21 years ago, was 830,000lb. That the quantity in the last year was 2,500,000lb. That the duty on that material 21 years ago, was 200,000*l.*; that the present duty was more than 600,000*l.* There was no proof before their lordships that the trade stood in need of the proposed alteration. On the contrary, its progress had been rapid, and increasing. There was another peculiarity in the present measure. The acts in question had reference only to a distance of 10 miles round the metropolis—a mere speck. He verily believed they were interfered with merely to gratify the theoretical views of political economists. The alterations proposed were at least doubtful; for there was no proof that the bill would be attended with public advantage. On the other hand, the proposed alterations filled with the most gloomy apprehensions the minds of a large, deserving, and laborious class of men. If the repeal of the existing acts would produce any sensible advantage to the silk trade, it might furnish an argument in its favour; but the fact was indisputable, that the trade at present was flourishing, and stood not in need of new regulations. He could not agree with the noble earl, that the bill could ultimately be serviceable to the labouring weavers. He could not see how any alteration in the law, which would have the effect of reducing the rate of wages, could be beneficial to the labourer. It might indeed be said, that the reduction of the price would have the effect of increasing the quantity consumed. To that he would answer, that there was every reason to suppose that the domestic demand would go on increasing; and, with respect to exports, that branch of the trade was always variable, uncertain, and liable to embarrassment. He always looked on the acts in question more as a measure of police than of trade. They were, in his opinion, most efficient in preserving peace, and a good understanding between masters and journeymen. Nothing, in principle, could appear more absurd, than that the lord mayor and aldermen should regulate the scale of wages between masters and journeymen. Looking, however, at the practical effect of that regulation, it did not appear so absurd. Combinations throughout the country were carried on by journeymen and by masters. The parties generally came to an agreement. The list of prices was made out by a committee on behalf of the journeymen and the masters, and in many instances an umpire was called in to decide between them. They then went before a magistrate, and the agreement was ratified. In fact, the regulations with respect to the silk trade differed but little from the regulations with respect to other trades. He confessed it appeared to him, that, considering the parties had laid out their capital in machinery, resting for half a century on the faith of those acts, every consideration was due to the prayer of the petitioners. It might be said that manufacturers should be allowed to employ their capital wherever they thought fit, and that there should be a limitation to the time of instituting prosecutions under the acts. Now, the journeymen had no objection that the capital of the masters should be employed wherever they thought fit, and that the period for instituting prosecutions under the acts should be settled at three months. But they wished to retain the principle of the bill, as to the regulation of wages. They did not wish to be left at the will of the master manufacturers, but sought for the continuation of the protection of the magistrate. To him there appeared no good reason for the repeal of those acts. If the effect of that repeal would be to extend Spital-fields, he could not view any measure with more uneasiness. He did not wish to see another Manchester growing up near the metropolis; and thought that if the bill would have that effect, it would be an effect most injurious.

The bill was ordered to be referred to a select committee, and the petitions were referred to the same committee.

HOUSE OF LORDS.

Monday, June 16.

London Bridge Bill.] The House resolved itself into a committee on this bill. On the clause for granting 150,000*l.* from the Consolidated Fund, by instalments, for the building of a new bridge,

Mr. *Hume* objected to the grant, unless an arrangement were made to secure the repayment of it to the public. If the government had more money than it wanted, it ought to remit it to the nation in taxes. He believed that the city of London did not want a new bridge, and that it was a gross job. Every purpose of a new bridge might be answered by increasing the water-way of the old one, which he understood might be effected for 100,000*l.*

Mr. *H. Sumner* said, that if the new bridge were a job, he was the author of it, but he altogether denied that it was a job. The hon. member then entered into a variety of details, for the purpose of convincing the committee, that the present London-bridge was a nuisance to the city and ought to be taken down. He considered the sum now proposed a moderate one, and should therefore give the resolution his cordial support.

The *Chancellor of the Exchequer* confessed that he had originally been reluctant to make this grant to the city of London, without seeing means provided for its repayment. He considered that the building of London-bridge was not so much a local as a national object. A plan had been suggested for repaying the money by a toll, but this would have been liable to so much public inconvenience, that he had not thought it expedient to resort to this mode of repayment. After having given the subject much consideration, he had ultimately, though not without reluctance, come to the conclusion, that he was justified in acceding to the grant.

The *Lord Mayor* opposed the clause, and moved, that the Chairman report progress.

The House divided: For the clause 81, For the Amendment 12.

List of the Minority.

Astell, W.	Lockhart, J. J.
Calvert, C.	Monck, J. B.
Cradock, col.	Newnham, J. W.
Clinton, sir H.	Powlett, hon. W.
Dawkins, H.	Wells, J.
Heygate, W.	TELLER.
Lambton, J. G.	Hume, W.

IRISH TITHES COMPOSITION BILL.] The order of the day was read for going into a committee on this bill. On the motion, "That Mr. Speaker do now leave the chair,"

The Hon. *G. Agar Ellis* rose and said, that it was quite inpossible for him to allow the bill, framed as it at present was, to go into any further stage of its progress, without entering his most decided protest against it. He had hitherto endeavoured, as far as he was able, to promote and assist its progress, hoping that the objectionable parts of it might be mended, and being, as he still was, fully convinced that a complete alteration in the Tithe system of Ireland was essentially necessary to the well-being and tranquillity of that country. The decision of the House, however, on the last night when the bill was in a committee, in throwing out *in toto* the compulsory clause, had put it out of his power to concur further in any way in the prosecution of the measure. If this bill should unfortunately pass into a law, it would either be acted upon or not. If, as he believed, it would not be acted upon, it was surely a most criminal delusion on the people of Ireland, to pass it as a measure which was likely to be of service to them. If, on the other hand, it should be acted upon, it was still worse. For, burthened as it was by that most objectionable clause giving to the commissioners the power of increasing the actual revenues of the Church one-third, it could not fail greatly to increase the disaffection and discontent which at present prevailed in the sister kingdom. He felt obliged to add, and he did it with much pain, that in his opinion nothing could well be conceived much worse than the conduct of his Majesty's ministers this year with regard to Ireland. They began the session with the most flattering promises of amelioration of system, for which they received in return equally flattering promises. And now, the 16th of June was arrived, and he would venture to ask, what had they done towards performing those promises? Nothing—nothing at all—and he would prophecy, that at the end of the session, the only boon they would send over to his unhappy countrymen would be the new Insurrection act; which, if it was necessary, was so because the same infamous and temporising system of government, which had so long degraded and disgraced Ireland, was still persevered in. Upon the grounds he had stated, he should therefore oppose the Speaker's leaving the chair, and move as an amendment, "That the further consideration of this Bill be deferred till this day six months."

Mr. *Goulburn* defended the measure, and expressed his hope that the House would proceed to render it as perfect as possible, though some of the objects originally in his view might not be accomplished by it.

Mr. *Wetherell* said, that as no man could expect that the bill would ultimately pass, it was a useless waste of time to proceed night after night with the discussion of the various clauses.

Mr. *Calcraft* observed, that it would be but fair to let the right hon. gentleman complete the measure he had begun. If the House rejected the bill, the right hon. gentleman would only have to return to Ireland, and to tell the people there that he had had the most benevolent views towards them, but that the House had refused to let him proceed with a bill, which if perfected would have remedied all their grievances.

Colonel *Barry* thought it would be better to put an extinguisher on the bill at once, than hurry it through during the present session. He had no objection to proceed with the bill if it were allowed to stand over.

Mr. *W. Bankes* supported the amendment, as the bill, in no shape, could be rendered palatable to him.

Mr. *S. Rice* concurred in the amendment, but gave government some credit for a disposition to remedy existing evils. He feared, however, that the measure was not capable of modification.

Mr. *Hume* contended that ministers had abandoned the ground upon which they introduced the bill. There was, besides, nothing useful in the bill. He thought, therefore, that it would be better to allow the people of Ireland to see that the delusion was complete, by discussing the whole of the Bill. Still he would vote for the amendment, if pressed to a division.

Mr. *Peel* contended that no delusion had been attempted by government. If the present bill were lost, he should despair of originating any one which could be satisfactory.

Mr. *Abercromby* considered the bill as utterly useless without the modified compulsory clause, and therefore should vote for the amendment. He attributed the rejection of that clause entirely to the right hon. Secretary's (Mr. Peel's) sitting for the University of Oxford.

Mr. *Canning* admitted the inconvenience of occasionally giving the clergyman an augmentation of his income, but thought it far more dangerous to break through the rule upon which government had uniformly acted, of never compelling any transfer of property without giving the most ample indemnity. He trusted that the bill would not be lost in its present stage. If it was to be hung over to the next session, let it be first completed.

Lord *Ebrington* supported the amendment,

Mr. *Ricardo* urged the impossibility of fixing exactly, under any circumstances, what should be the right of the clergyman.

Mr. *Wynn* supported the principle of ample compensation. He begged to remind the House that in dealing with tithes in Ireland, they were not dealing merely with church property; as one-third part belonged to lay impropriators.

Sir *J. Stewart* said, that if the clergyman got the average of the last seven years without any addition, he would get more than he was entitled to. It would be better to put an extinguisher upon the bill at once.

Mr. *Calcraft* said, that if the amendment was rejected, he would himself propose a modified compulsory clause.

The House divided: For going into the committee 51. For the Amendment 36. Majority 15.

List of the Minority.

Abercromby, hon. J.
Anson, hon. G.
Bankes, W. J.
Barry, col.
Browne, hon. D.
Browne, James
Browne, Dom.
Brownlow, C.
Chichester, A.
Dawkins, H.
Daly, J.
Ebrington, lord
Fleeming, J.
Fitzgerald, right hon. V
Fitzgibbon hon. R.
Forde, M.
Hart, gen.
Hume, J.
Hurst, R.
Kennedy, T.
Lindsay, hon. H.
Leader, W.
Lloyd, W.
Moore, P.
Knatchbull, sir E.
Nolan, M.
Normanby, lord
Palmer, C. F.
Philips, G.
Oxmantown, lord
Tennyson, C.
Ricardo, D.
Stewart, sir J.
Wetherell, C.
Wood, M.
White, col.

TELLERS.

Ellis, hon. G. A.
Rice, T. S.

HOUSE OF COMMONS.

Tuesday, June 17.

BEER DUTIES BILL.] The Chancellor of the Exchequer moved the third reading of this bill.

Mr. *Maberly* objected to the measure as being most unjust in principle. It obliged brewers to erect the new works alluded to in the bill, at a distance from their present premises, and at a great expense—to try an experiment which might not succeed. To mark his opinion of the measure, he should take the sense of the house upon it.

Mr. *Hume* objected to the bill, and suggested the propriety of deferring it to the next session, when a committee might take into consideration the general state of the beer trade.

Mr. *Monck* contended, that the bill was by no means calculated to remedy the evil which it affected to remove; for though any man might erect a new brewery in any town, with the view of selling under the price he found there, still the magistrates would have the power of refusing licences to houses where the new beer might be sold.

The bill was read a third time. On the question, that the bill do pass, the House divided: Ayes 64. Noes 26.

List of the Minority.

Birch, J.
Bright, H.
Calcraft, J.
Carter, J.
Cheere, M.
Coffin, sir I.
Ebrington, lord
Fergusson, sir R.
Grant, J. P.
Hobhouse, J. C.
Hume, J.
James, W.
Jervoise, G. P.
Kennedy, T. F.
Lushington, S.
Moore, P.
Nugent, lord
Oxmantown, lord
Ricardo, D.
Robinson, sir G.
Scarlett, J.
Smith, C.
Wells, J.
Wilson, T.
Williams, W.
Wood, M.

TELLERS.

Maberly, J.
Monck, J. B.

CONDUCT OF CHIEF BARON O'GRADY.] The House having, on the motion of Mr. Spring Rice, resolved itself into a Committee on the Conduct of the Lord Chief Baron of the Irish Exchequer,

Mr. *Spring Rice* said, that in presenting himself to the House, he felt how inadequate he was to the important task which he had considered it his duty to undertake, but having in the discharge of that duty undertaken it, he was aware he had no claim to any other indulgence than a patient attention to the statement which he should submit. There were, however, considerations connected with this subject, which made it of importance. The first was—and to that he should implore the most serious attention of honourable members—that this was a personal question, involving the character of a high judicial officer in Ireland; and from those who might defend that character, and above all from those who might feel disposed to affirm the resolutions which he concluded with moving, their duty to the House and the country, and to the high officer in question, required the most minute attention to the facts of the case. There were besides these, other grounds on which the question recommended itself to the attention of the House; for, if ever any subject more particularly than another demanded the attention of parliament, it was that which concerned the administration of justice. It was found, that in cases of that nature in this country, the best attention of members was given; but in cases relating to the administration of justice in Ireland, the demands on their attention were augmented; for, assuming the case, that delinquency great or small, had found its way to the seat of justice in this country, that would not counteract the due reverence for the law, or the feeling of respect for those who administered it. But in Ireland, where unfortunately so many circumstances had concurred, for a long series of years, to create a contrary spirit, there was great danger in suffering any matter affecting the administration of justice to pass without the most strict investigation. If the House should find, that in the reports before them, there were any matters tending to diminish the respect for the laws, and for those who administered them, it was their duty to inquire into the case, and, if the facts admitted it, to clear the party charged, and restore him unsullied to the discharge of his functions. If, on the other hand, it should be found that the reports were well founded, he trusted that nothing would prevent the House from doing justice to the country. It had been stated, that this question was now a mere speculative question; and that as the fees had been abolished, it was no longer worth contemplating, in a practical point of view. He wished to God that such were the case! But, if he had not thought that this question bore upon the present and upon the future condition of Ireland, no consideration of the past would have induced him to have brought it forward. In performing the task which he had taken upon himself, he would abstain as much as he could from wounding the feelings of any individual; for he could assure the House that he was not actuated by any enmity or ill will towards the party whose conduct was implicated by his resolutions. If he had been actuated by any such motives, he would have allowed the reports to have remained uncontradicted on the table; and would not have given to chief baron O'Grady any opportunity of exonerating himself from the charges which they brought against him. Those charges were confined within a narrow compass, and embodied so many general principles, that though they related to the judicial conduct of a great public functionary, they were quite intelligible to any individual of ordinary talent, even though he did not belong to the profession of the law.

The hon. member then proceeded to contend, that it was the duty of parliament to watch over the conduct of the judges, and to take care that they did not exact any fees to which they were not fairly and lawfully entitled. Having stated the opinion of lord Bacon upon this point, he informed the House, that in a commission which was issued in the reign of Charles 2nd, to prevent the improper exaction of fees in courts of justice, it was well set forth, that the taking of improper fees was "a dishonour to the king's justice, as well as an increase of charge to the suitors in his courts." In the reign of George 1st, when it was necessary to provide a similar remedy for a similar abuse, the preamble of the act of parliament which was passed for that purpose contained these words —"Whereas divers improper fees have been taken in several of his majesty's courts, to the great oppression of his majesty's subjects." Under the sanction of such authority he had not hesitated to condemn, in his resolutions, the practice of exacting improper fees in the very terms which were first used in the king's commission, and were afterwards employed in the act of the 4th of George 1st. He next reminded the House, that, in the year 1814, on a motion brought forward by his right hon. friend (sir J. Newport), it had been admitted on all hands, that the fees exacted in the courts of justice in Ireland demanded inquiry, and that in consequence a commission of inquiry had been instituted. That commission had presented several reports; and the question on which the House had now to decide was, whether it would allow those reports to remain as waste paper, or would deal with them as the ground-work of inquiry into the conduct of the chief baron of Ireland. It was now the third session since those reports had been laid upon the table; and he trusted that when that circumstance was taken into consideration, no individual would think that he was acting wrongly in calling upon the House to decide upon them without further delay.

The charge which was brought against the chief baron in the reports in question was, that he had taken other than the ancient fees to which he was by law entitled—that he had introduced new fees, and had increased the old; and that, by such conduct, he had increased the charges of the suitor, and had violated his duty as a judge of the land. He knew not what kind of answer would be offered to this charge. If it were asserted, that a judge, of his own authority, had a right to exact any fees that he thought proper, and if that assertion were to be considered as law, there was nothing further to be said on his part; and, as far as the chief baron was concerned, the matter was brought to a triumphant conclusion. But he contended, that, if such assertions were made by the other side, they were not maintainable; and was prepared to prove, that if a judge exacted improper fees, under colour of his office, he was indictable at common law, and was therefore liable to parliamentary censure, if his conduct was submitted to parliamentary discussion.

Before he proceeded to the charges against the chief baron, he thought it might be advisable for him to call the attention of the House to this question— What are fees? In the 27th report of the finance committee, they were defined in the following manner:—"Fees in a court of justice are so many direct taxes levied on the king's subjects, for the specific purpose of defraying the charges of the offices to which they are incident." The older authorities, however, carried the point still further. Lord Coke stated, that under the statute of Edward the 1st, the Crown had no power of itself to increase the fees of an old office, or institute those of a new one; for that would be an impost and tallage without the consent of parliament. If these authorities were to be relied on, it was clear, that no judge possessed the right of creating fees by his own authority for his own private emolument; and he would next proceed to prove that if he did so exact fees, he was guilty of a great misdemeanor. Mr. Justice Blackstone said, "Extortion is an abuse of public justice, which consists in any officer's unlawfully taking, by colour of his office, from any man, any money or thing of value that is not due to him, or more than is due, or before it is due. The punishment is fine and imprisonment, and sometimes a forfeiture of the office." In this opinion, Hawkins, a text writer of considerable authority, also concurred; and therefore, if he should be able to prove that the chief baron had taken that which was not due to him, or more than was due to him, he should make out a case that would call upon the House to interfere, unless it were of opinion, that a judge had a right to set a value upon his own labour, by introducing fees that were not sanctioned by ancient usage, or supported by some express act of parliament.

He now came to the charges against the chief baron, which were comprised under four distinct heads. He should, in the first instance, open the whole of his case, and should afterwards, when he moved the specific resolutions on each charge, refer to the evidence on which he founded it. All the four heads of charge arose out of practices which had originated with the present chief baron; all were cases of fees, which were unsanctioned by ancient usage, and which were instituted for his own emolument. The first head of charge related to fees taken on a decree in the Court of Exchequer. It was, perhaps, only right for him to state, that when a case was brought into the Court of Exchequer, it was first of all set down for hearing; and that after it was so set down, it was heard, and a decree obtained upon it, for which a fee was paid to the chief baron. It happened, however, that cases were often set down for hearing which never came to a decree, from a compromise being made by the parties. He would illustrate what he meant by reference to what daily occurred in that House. Bills were often brought into that House, which, owing to various circumstances, were never passed into laws. In the same manner, cases were instituted in the Court of Exchequer, in which decrees were never obtained. The chief baron finding this to be so, said—"Many persons obtain decrees surreptitiously, and do not pay me my fees; I will therefore change the time of taking them, and they shall be paid, not when the decrees are issued, but when the cases are set down for hearing." The chief baron acted upon this principle, and in so acting did that which was not only illegal, but also a hindrance to the suitors in his court. But, not merely did the chief baron change the time for taking this fee, he also continued the ordinary fee on the issuing of decrees, and thus received twice as much as he was entitled to. He contended, that by such conduct the chief baron had made himself liable to the various penalties which were stated in the law authorities which he had already quoted; for he had clearly taken, by colour of his office, fees to which he was not by law entitled. He could not exactly ascertain the amount of fees so taken, neither was he very anxious to do so—as he did not care so much about what the loss was, as he did about the principle established. Against this charge the friends of the chief baron had set up two defences; of which the first was, that the fee taken in the first instance—that is, on the setting down the case for hearing—was a mere deposit, and that it was to be returned on the issuing the decree. Now, it turned out upon inquiry, that the chief baron had never given any order to the officer who collected these fees to treat them as deposits; and that in point of fact none of them had ever been returned to the parties who had paid them. The defence was, therefore, a suggestion entirely unsupported by fact; and not only unsupported by fact, but directly negatived by a prior declaration of the chief baron himself. The chief baron had referred to a precedent, in which other judges of Ireland had ordered certain fees to be taken as deposits; but in the case to which the chief baron referred, for a considerable length of time the fees were treated as deposits, and when they ceased to be so treated, the abuse was committed by the officers of the court, and not by any of the judges.—Another defence set up for the chief baron was, that the fee was due upon the exemplification, which was an engrossed copy of the bill made out upon the decree; but that defence was not more valid than the preceding one, because the fee had been levied in cases when, with one solitary exception, it ought not to have been taken at all.

He now came to the second head of charge; namely, the question of writs. Writs were of two classes: on one of them fees were due, on the other not. The chief baron, however, immediately after his appointment to office, directed fees to be collected upon them all. On what grounds? He would shortly tell them. He believed it was generally known, that the chancellor of the Exchequer was an officer of the Court of Exchequer, and had the custody of its seal. The chief baron found out that the chancellor of the Exchequer was bound by his oath not to use that seal, without an order either from him or some other baron. He said that his order could only be communicated by his signature; that his signature could only be communicated to the chancellor of the Exchequer by his authority, and that for communicating it, he ought to have a fee. This statement, however, extraordinary as it might appear, was not more extraordinary than the practice. Assuming that the signature of the chief baron was necessary for the affixing of the seal by the chancellor of the Exchequer, it was strange that the fee should be taken, and yet that the signature should not be affixed to it. That no difficulty might occur regarding these writs, he would state that they were writs of preliminary process.

The next head to which he should advert related to the taxation of costs. The late chief baron was entitled to a fee on examining and signing bills of costs: but the present chief baron, soon after his appointment, discontinued the practice of signing bills of costs, and directed that the fees should be collected for him upon another stage of the proceeding, namely, the writ. Thus fees were taken as for bills of costs where bills of costs were never paid, so that the fee was wholly imaginary. There was but one more case to which it would be his duty to draw the attention of the house. It regarded the difference between English and Irish currency, amounting to 8⅓ per cent. When contracts were made in Ireland without the currency being mentioned, it was always inferred to be Irish. The Court of Exchequer of Ireland was divided into three branches—the revenue side, the law side, and the equity side. In the revenue and equity sides, the fees were paid in Irish currency; but, in the law side, some of the fees were paid in English currency to the officer receiving them, who accounted to the chief baron in Irish currency, keeping the difference himself. Wherever, however, an objection was made, the officer took the fee in Irish currency; thus admitting that the additional charge was unsupported by usage or right. When the present chief baron came into office, instead of ascertaining what was legal, he directed, that all the fees on the three sides should be paid in the English currency, the officer having no participation; and thus a large addition was made to his own emoluments. These were the four cases which he was prepared to support by evidence: if he had omitted any thing favourable to the chief baron, he hoped that the deficiency would be supplied: if he had overcharged any part of his statement, he was willing to submit to the censure of the House.

The hon. gentleman then proceeded to vindicate the authority of the reports of the commissioners, alluding particularly to the bills that had been founded upon them; and, in opposition to what had been advanced on a former occasion, cited two precedents in favour of the course he was now pursuing. The first of these was the case of lord Macclesfield, where sir George Oxenden moved an impeachment, grounded upon reports of parliamentary commissioners. Sir W. Wyndham and Mr. Pulteney denied that these reports were sufficient authority, but the House of Commons supported the original motion by a majority of 273 voices against 164. The second precedent was that of lord Melville, which was also founded solely upon the reports of parliamentary commissioners. Mr. Pitt had argued, that it was a case for a select committee; but the House supported Mr. Whitbread. It had been suggested, to the chief baron, that the reports contained merely *ex parte* statements. The same remark had been made upon the reports against lord Melville, but Mr. Whitbread had successfully contended, that parliamentary commissioners were entitled to all respect for impartiality and general integrity. It was true, that at present a law existed abolishing fees in Ireland; but he was satisfied that if the House did not now interpose, and show that it was no respecter of persons, fees would continue to be taken and the law to be violated. The Court of Exchequer had itself admitted that the reports formed a sufficient ground for the dismissal of an officer for improper conduct; for it had dismissed Mr. Pollock, first deputy clerk of the pleas upon no other evidence. It was a little too much, therefore, for the chief baron now to turn round and say, that the reports of the commissioners were not sufficient authority in his own case. Another precedent to the same effect was the proceeding of the House with regard to the chief commissioner of the insolvent court. It might be said, as in the case of lord Coningsby and sir C. Porter, in the time of William 3rd, that one rule of action was applicable to England, and another to Ireland; but he did not think that such language would be used at the present day. After having dwelt upon this point for some time, the hon. gentleman thanked the House for the indulgence it had shown him. He had brought the matter fairly to an issue, as an act of justice to the chief baron and to the country. Either the chief baron ought to be delivered from the charge, or he ought to be removed from his station; and it was a matter of anxious interest to Ireland, and of paramount duty on the part of England, that the administration of the law should not only be placed above reproach, but beyond suspicion. The hon. member concluded by reading a string of resolutions embodying the four charges to which he had adverted in the course of his speech. They will be found in the proceedings of the 8th of July, when they were reported to the House. On the first resolution being put,

Captain *O'Grady* said, he need not assure the House that he rose under great embarrassment, which was considerably increased by a knowledge that the last time he had addressed the House on this subject, being unused to public speaking and unacquainted with the usages of courts of justice, he had given offence to the chief justice of the King's-bench in Ireland. He now took the earliest opportunity of saying that nothing could be further from his intention than to give the slightest umbrage to a man of such well-merited distinction and undoubted ability. When he was quoting the authority, and as it were, courting the protection of that high authority, it could not of course be his wish to impugn the noble lord's practice, or to cast imputations upon his conduct. It was not his intention to cast a slur upon any individual, and he hoped that the defence of the chief baron could be conducted without it. He was proud to stand forward on this occasion, because he felt conscious that he could vindicate the injured without the necessity of offending any man. He had awaited this discussion with the most intense anxiety—an anxiety wholly arising from a knowledge of the great disadvantage under which the chief baron laboured in having his case intrusted to the hands in which it was now placed. For he solemnly assured the House, that however painful it might be to him, he would have remained silent, did he not in his heart think that truth and justice carried with them greater force than the most laboured and ingenious attack. He would confine himself to the general question as to the charges brought against the chief baron, and the criminality that, under all the circumstances, could attach to them. For this was a criminal charge, and a call was made for the severest censure of parliament. He was quite aware that it was impossible for him to offer an unbiassed opinion—feelings must arise in his breast to obstruct the exercise of an impartial judgment. He trusted that those feelings did him no discredit [Hear, hear!]. On that account he knew that his case must suffer; but he hoped, on the other hand, that hon. gentlemen would not suffer themselves to be led away by the abilities of the hon. gentleman who had just sat down, and who, without impugning his general discretion, was equally incapable of arriving at a candid decision on any matter that respected the conduct of the chief baron. He therefore requested the House to dismiss all undue colour that the representations might receive from either side. The result ought to depend merely upon matters of fact. The charges professed to be founded upon the ninth report of the commissioners of Inquiry into Courts of Justice; but it was equally true, that these commissioners, in the most pointed and solemn manner, had declined becoming the accusers of the chief baron. It remained, therefore, for the hon. member for Limerick to charge, and for the House to determine. The ninth report had been laid upon the table three years ago; but, previous to that event, the hon. gentleman, as it were in a prophetic spirit, had moved for its immediate production. An investigation of its contents was instantly actively set on foot, and eleven resolutions, containing eight or nine charges, were founded upon it. These were examined by two successive committees, and the charges were reduced to three or four; and one of the hardships of which the chief baron had to complain was, that in proportion as the charges were lessened in number, they were, like the books of the sibyl, magnified by his enemies in value and importance; and whereas formerly eight or nine charges were embodied in eleven resolutions, on the present occasion only three or four charges were extended over no less than twelve resolutions. The charges were stated to be grounded upon the evidence appended to the report; but it was not to be forgotten, that the commissioners, for the furtherance of their object, had the power of selecting the witnesses, of determining upon the questions to be put to them, and of inserting just so much of their testimony as supported the point that was to be established. Yet it was upon this very appendix, that the chief baron was obliged to rest his defence; and when it was remembered, that with this only he had been able to rebut so many of the original charges without being able to examine or cross-examine a single witness, the wonder rather was, that he had been able to accomplish so much, rather than that he had not been able wholly to do away with the few remaining accusations. The case of Mr. Pollock had been brought forward to show that the Court of Exchequer had acted upon the report of the commissioners, but the fact was precisely the reverse. The court had decided, that the report formed no reason for imputation, and that it ought never to be received in evidence. Nevertheless, much stage effect had been attempted to be given to this case. Another instance cited with the same object was that of sir J. Galbraith, but there the twelve judges unanimously held that the report formed no sufficient ground for putting a man upon his trial, but the attorney-general must adduce his evidence on the prosecution. He did so, and the accused party was acquitted.—He would now shortly call the attention of the House to the circumstances attending the elevation of the chief baron to his present dignity. In the first place, he had given up an office of nearly double the emolument, and he had succeeded lord Avonmore, who, while he devoted the most anxious attention to the public interest, paid but very little regard to his own private concerns. He had thus allowed a system to prevail, which threw all the fees of the court into the utmost confusion. The declining health of lord Avonmore had also occasioned a great arrear of business. Under such circumstances, the different arrangements were made by the present chief baron, which were now wrought up into a criminal charge. The chief baron, in fact, on coming into office, had been compelled to put both himself and his officers in possession of their legal rights—an arrangement necessarily attended with much trouble and difficulty. Still, he had in the end accomplished his object; and he appealed to every gentleman conversant with the Irish courts, whether the measures which the chief baron adopted had not been attended with an increase of business at the bar of the Court of Exchequer? If the chief baron, under his arrangement, had taken some fees to which he was not entitled, he had lost, on the other hand, many to which his title was undoubted; and it was only asking common justice from the committee, to ask them to look at the whole of his conduct in office, and not at isolated parts of it.—The first charge now relied upon by the hon. member for Limerick, was that as to the fee taken for signature to the bills of costs. He was free to admit that the spirit of the chief baron's order had not been sufficiently attended to upon that point, and that some small addition to his receipts might have been the consequence of that error; but the House would recollect, that there was no shadow of evidence that, before the appearance of the commissioners' report, the chief baron had been aware of such a fact. As to the charge against the chief baron of having taken his fees in English instead of Irish currency, he would merely remark, that the same course had been pursued by the judges of the Court of Common Pleas, the chancellor of the Exchequer, and the masters in chancery. If, therefore, he had been in error upon that point, it was an error into which he had not fallen alone.—The hon. member then proceeded to touch upon the last point of accusation—the fee taken for the decrees—but we were unable to collect the substance of his statement. He contended, however, upon the whole, that wherever abuses had existed, those abuses had been unknown to the chief baron, and that there was not a shadow of foundation, in what appeared before the House, upon which a criminal charge could be set up against that officer. Throughout the measures which the chief baron had adopted, it would be seen that he had advanced his claims, either upon legal right or general usage. But, even supposing the chief baron to give up that ground of defence; supposing him to say, that in consideration of the alterations which he had introduced into the practice of the court, he had thought it necessary to institute certain fees in place of others which he had given up; supposing him to rest his defence upon that statement, would he not have the example of judges for the last hundred years to bear him out in what he had done? The commissioners distinctly declared in their report—no matter how far it might be legal for the officers of justice to create new fees—that the practice of so doing within the last hundred years had existed to a considerable extent. And let it be recollected, that this inquiry went to facts which had taken place eighteen years ago; that the public had no interest in it; and that no prospective advantage could be looked for to it. Let it be remembered that these charges had been suspended over the chief baron for three sessions; new proof being in process of collection from day to day in support of them. Had the charges now brought forward been brought forward in Ireland, the character of the chief baron would have been his sufficient protection against them. As it was, he could only entreat of the House not lightly to cast a slur upon the administration of justice, especially in a country where the administration of justice needed every protection which parliament could afford it. [Cheers].

The resolutions were then put *seriatim* from the chair, and the three first agreed to without a division. Upon the fourth resolution being read,

Mr. *Hutchinson* contended, that neither himself nor the committee were in a state to pass any resolution tending to affect the character of the chief baron. He respected highly his hon. friend; but he must nevertheless tell him, that as a man of honour, he was bound not to advance a single step further in impugning the conduct of the chief baron, without first establishinghis charges by a most solemn investigation at the bar of that House, affording to the learned judge the opportunity of cross-examining witnessess, and stating his own case. Would any man say that he was prepared to pass sentence of condemnation against a high dignified magistrate, who for eighteen years had discharged the duties of his high trust with satisfaction to the country, on the *ex parte* information before the committee? As the present resolution was the first that referred to the conduct of the chief baron he should move, that the chairman do leave the chair.

The *Solicitor-General* said, that although he had been a member of the committee above stairs, he had been prevented from attending its proceedings so regularly as he could have wished. Whether, with the advantage of more constant attention, he should have concurred in the opinions expressed by the committee, he could not, as at present situated, with certainty say; but he felt himself, under every circumstance, bound to oppose the unfair course attempted to be taken by the hon. member for Limerick. The nine first resolutions of the hon. member were resolutions of affirmation—the last two were resolutions of censure; and the effect of voting those resolutions would be most illegally, most unjustly, and he would add most unconstitutionally, to condemn a judge of rank and character, without giving him an opportunity of being heard in his defence. The House was bound to look with caution at the report of the commissioners; and it could not take the statements contained in that report as evidence. The Court of Exchequer in Ireland, in the cases of Mr. Pollock and sir J. Galbraith, had refused to accept the report of the commissioners as evidence; and sir J. Galbraith had actually been acquitted of the offences which that report alleged against him. The witnesses upon whose testimony the commissioners had founded their report had not been, it should be remembered, cross-examined on the part of the chief baron; nor had that officer been allowed to call other witnesses for the purpose of rebutting their statements. The hon. gentleman, if he meant any thing serious by his motion, was bound to give the chief baron a full opportunity of appearing at the bar of the House, and calling witnesses to exculpate his conduct. But since the hon. member relied so entirely upon the report of the commissioners, it was worth while for the House to look at that report, and judge to what confidence it was entitled. What were the charges originally brought forward by that report; and, what had become of the major part of them? The charge of an increased fee exacted upon affidavits sworn, had made a great show at first in the report of the commissioners. The fact was, that the judge's fee upon affidavits sworn in court, was one shilling and fivepence, and upon affidavits sworn at the judge's house only one shilling. To prevent the attornies from carrying all their affidavits to the judge at his own house, the fee was made one shilling and fivepence in both situations; and this was one abuse—concurred in, too, by all the judges—which had been strangely insisted upon in the report of the commissioners. This charge he knew very well, was now given up; but still it was necessary for him to advert to it. In judging of the value of the commissioners' report, it was fit to see, not only how much of it remained, but how much of it had already been abandoned or disproved. A second charge in the report was, for an addition of five farthings to the fee upon an affidavit taken under particular circumstances. It turned out that the loss arising out of that arrangement was greater to the judge than the gain from the increased fee. Another charge of the commissioners, and one which had made a considerable impression was for an increase of the fee taken for swearing in the sheriff. Now, there certainly was a particular act of parliament, fixing the amount of the fee to be taken for swearing the sheriff; but there was no reason to believe that the chief baron had been cognizant of that act; and his predecessor (lord Avonmore) had uniformly taken the same fee which he took. And here he would ask the House, whether it was reasonable to expect that a judge, when appointed to his seat, should set about investigating, upon the instant, the origin of every fee which he took? Of course he would leave such a matter to his officers, and take probably the same sums which had been taken by those who sat before him. The charge, however, as to the fee for swearing the sheriff was given up, and the next charge in the commissioners report was declared by the committee to have originated in a clerical error. So here were four charges, and four of the gravest charges, in the report which the hon. member for Limerick so much relied upon, entirely abandoned. With respect to the charge contained in the resolution now in debate, the committee had not negatived it, but, on the other hand, they had not confirmed it; and until the chief baron himself was heard upon it, how was it possible for the House to decide? Who was there in the House so well informed upon the case, that he could lay his hand upon his heart, and say to the chief baron, standing for judgment—"I find you guilty?" Had the written evidence, such as it was, been fully considered by the house? The hon. member for Limerick, perhaps, had read it, and one or two other gentlemen: but was it fully in the knowledge of the members, generally, of the House? For his own part, he had certainly read the evidence; but his opinion was, that if it made out a case against the chief baron; it was at the most only such a case as admitted of an answer; and therefore, again he said, he would pass no vote of censure without the chief baron being fully heard. Much stress was laid upon the change of practice with respect to the fees upon the bills of costs. The case in reality stood thus—the judge signed the writ of taxation, and he signed the bill of costs, and he received for each signature a fee of one shilling. The signature to the bills of costs being merely a matter of form, the judge gave up the practice of signing them, and directed his officer to collect the two shillings upon the signature of the writ of taxation. And certainly it had happened in some cases under this practice, that the clerk had collected the fee of two shillings, where only one shilling would have become due; but that fact had been utterly unknown to the chief baron, who had only gone on in the same course which his predecessor, lord Avonmore, had followed before him. The instances of undue charge had not been known; and how were they likely to be known to the chief baron? For the argument, that it was an abuse to take the fee without giving the signature, where the signature was nothing else than a matter of form, it was an argument which could hardly require an answer. The officer took the fee, it was said, and did not perform the duty. Well; and half the fees taken in our courts of law were taken under the same circumstances. The chief justice, in the Court of Common Pleas in England, took a fee for the taxation of costs, and the duty was performed, not by the chief justice but by the prothonotary. He could not help repeating that he thought the measure of the hon. member for Limerick contrary to law, to fairness, and to constitutional principle. How best to meet the measure, he hardly knew. It could not be met by a direct negative: and as the previous question was not applicable he should move that the Speaker do leave the chair.

Mr. *Hutchinson* suggested, that he had already moved that amendment.

The *Solicitor-General* said, that in that case, he would sit down by seconding it.

Mr. *Tierney* observed, that it was rather extraordinary the hon. member should express an anxiety that the chief baron should not be condemned unheard, and yet should propose an amendment, which would have the effect of preventing his being heard at all. It was his opinion, that the chief baron ought to be heard at the bar, and therefore the House ought to take some step which would induce him to appear. He spoke only to the dry question of form, but pledged himself to no opinion on the merits of the case.

Mr. Secretary *Canning* stated, that he was ready to affirm the resolutions, as far as they were simply extracts of the reports; but as far as they contained matter of accusation against the chief baron, he was not prepared to affirm them. If the committee entertained the charge, he saw no constitutional mode of following it up but by impeachment; but, perhaps, at the present period of the session, and considering the appearance which the House presented, that course could not be satisfactorily pursued. He should be glad if any better mode of proceeding were suggested. Perhaps the proceedings might be suspended after the committee should have adopted an initiative resolution, which would operate as a warning to the chief baron to apply for permission to be heard at their bar.

Mr. *Wynn* was of opinion, that as the two reports contained matters of accusation, the chief baron had already been forewarned of the necessity of entering upon his defence; and he had in some measure done so, by the two letters which he had written relative to those reports. He thought it might be an eligible mode to suspend the proceedings, with the view of giving the chief baron an opportunity of making application to be heard at their bar. He would be glad if an hon. and learned gentleman opposite could tell him whether the chief baron was desirous of being heard at the bar? For if it were ascertained that he was not, the committee ought not to stay its proceedings.

Mr. *Scarlett* said, that in his opinion there was no ground for coming to the last resolution; and, indeed, he thought any resolution would be exceptionable which implied a censure, as the reports only related to matters of fact from which no inferences of crimination ought to be drawn, as there was no proof before the committee, that the chief baron might not be entitled to the fees which the reports stated him to have received. If the resolution were put to the vote, he would move an addition, the substance of which would be, that the practice did not appear to be known to the chief baron.

Mr. *S. Rice* stated, that in the course of the proceedings which had taken place on this subject for three years, sufficient notice had been given to the chief baron to enter upon his defence. He vindicated the fairness of his own proceedings, and said, that any hon. member who accused him of having acted unjustly, ought to point out a fairer mode of proceeding than that which he had adopted.

Mr. Secretary *Peel* thought, that if there was any difficulty it was not to be obviated by postponement. There were several modes of proceeding. He did not approve of that course which would fix a resolution of censure upon a Judge. It was his opinion, that a person holding such a situation ought to be dismissed altogether, if guilty of the acts laid to his charge, but ought not, under any circumstances, to be partially degraded. He did not approve of the mode of proceeding by *scire facias* in such a case, nor by address. He thought impeachment the only constitutional mode; but he could not consent to follow any of these courses, for to each of them many and serious objections presented themselves. His opinion in this respect had not been formed without due deliberation, nor had it been influenced by communication with any other persons. It was founded on the nature of the charges themselves. Supposing those charges to be proved—which but for the sake of the argument could not be admitted—still they would not amount to the high crimes which had been alleged against the chief baron. He (Mr. Peel) could very well conceive that in such a court as that over which the chief baron presided, improper charges might be made without his knowledge. He would not be understood to deny that it was the duty of a judge to examine accurately and scrupulously the conduct of the officers of his court; but if that care had not been shown in the present instance, he could not think, taking into consideration the character of the individual, that the neglect called for so grave a punishment as impeachment. Another objection which he had to this latter measure was, its importance and solemnity, which rendered it unfit to be applied to the charges now brought against the chief baron. He knew it would be easy for some gentlemen to rise and say to him—"Will you, then, connive at offences so reprehensible in their principle, because they are only small ones?" but he should reply, that he did not connive at them, nor did he go the length of vindicating the chief baron; but he objected for the sake of the public interests, which were so powerfully upheld upon important occasions by the proceeding by impeachment, that its solemnity should be diminished by exercising it for an inferior cause. If it were objected to him, that what he had now urged in favour of the chief baron ought to have been urged three years ago, he would admit that, as applied to himself, the argument *ad hominem* would be unanswerable, but as applied to the House, he thought it would be a more dignified as well as a more candid course to say, "We have let pass the time at which this charge and the defence would each have had a sure efficient operation; and for this reason it would be better now to postpone it." At the period alluded to, the charges were of much graver import than they now appeared to be. That relating to the fees taken on swearing in the sheriffs had then seemed to be a serious violation of the law. But no person could now say that it had not been materially altered; for it seemed that this practice, unjust as it certainly was, had at least the sanction of the chief baron's predecessors. To this charge, he might with great truth reply, that his attention had never been drawn to the particular statute under which it was received, and that he had never required of his officer information on the subject. Certainly this was no reason why parliamentary proceedings should not be taken; but it was a reason why an impeachment should not be the course adopted. There were also other charges made against the chief baron with which he (Mr. P.) was not satisfied. Considering the burden which the chief baron's duties imposed upon him, the time which they occupied, the importance and anxiety of the office, and the character of the individual by which it was filled, he was prepared to believe, that although grounds might exist for those charges, still they were far from authorizing the charge of corruption against that individual. He (Mr. P.) could not conceal from himself, that a very lax method of proceeding had been adopted for many years, in taking fees in the courts of justice in Ireland. The remedy for this was, not to select any individual as a victim for these offences, but to abolish the system; and this had been done by an act of the legislature. The right hon. gentleman here referred to a list of the fees claimed by the masters in Chancery in 1815, contrasted with those allowed in 1735. This long continued practice weighed, in his mind, as a powerful reason why they should not select the present case to visit with a punishment which had been withheld for so many years. So strongly did he feel this, that if he were now called upon to choose between the evils (for they were both evils) of passing by altogether the further investigation of these charges, or of proceeding to impeachment, he should feel inclined to choose the lesser evil, and to pass them by altogether. When the House should have decided to pass the resolutions before it, it would have to decide upon the mode of proceeding, and he had therefore risen in that stage, to call to their notice the difficulties which, in his view of the matter, seemed to beset their future progress. He could not sit down without bearing testimony to the pains and intelligence with which the committee of inquiry had discharged the duty imposed upon them by the House. He had had frequent opportunites of communicating with them, and he had never beheld a more inflexible resolution to surmount the obstacles which had been opposed to them. He could never hear any thing like censure cast upon them without expressing his opinion of their merits.

Sir *J. Mackintosh* said, he would give no opinion whatever on the merits of the case. If any subsequent proceeding were to take place, there would be abundant opportunities for doing that. The committee had heard as fair and liberal an accusation from the hon. member for Limerick, and as judicious and meritorious a defence from the hon. relative of the chief baron, as any at which he had ever been present. When he (sir J. M.) left the House, which he had been unavoidably compelled to do, he understood that the difficulty was not whether the house should proceed, but as to the manner in which that proceeding should be conducted. But now, from the last part of the right hon. gentleman's speech, he understood there was an objection to ulterior proceedings.

Mr. *Peel* said, he had expressed an opinion, that the proceeding by impeachment would be better than by address.

Sir *J. Mackintosh* said, that the committee, so far from being called upon to decide the question, had no right to give an opinion upon it. He objected strongly to the argument which had been used, that the smallness of the offence ought to excuse it from punishment. To sanction this principle would be to sanction the destruction of the judicial body and the character of that House. He thought the chief baron ought to be heard before the House, if he thought fit to apply. Three years had now elapsed since these charges had been preferred; and during the whole of that period the chief baron had not thought fit to petition to be heard by himself or his counsel, at the bar of the House. If his hon. friend would therefore withdraw his amendment (which, though carried, would be no acquittal for the chief baron, but rather an escape, which he would disdain), he would then move that the Chairman should report progress, and ask leave to sit again on that day fortnight, with a view to give the chief baron an opportunity to act as he thought proper in his own defence, and for the justification of his character.

Mr. Secretary *Peel* denied having said that the smallness of the offence ought to prevent a parliamentary proceeding against a judge. What he had said was, that the smallness of the amount almost precluded the possibility of a corrupt motive.

Mr. *J. P. Grant* observed, that if he thought the smallness of the amount precluded the probability of a corrupt motive, he would propose to pronounce that opinion as the decision of the committee, and not pass the subject entirely over by reporting progress. If, on the contrary, he thought that corrupt motives did exist, he should think that, painful as would be the task, the House ought to proceed.

Mr. *Hutchinson* said, that his object in moving the amendment was, not to evade justice, but to do justice. What he objected to was coming to a decision on the merits of the case, in a state of ignorance with respect to them. He was quite ready, however, to withdraw his amendment, if the committee were disposed to adopt any other course.

The amendment was accordingly withdrawn.

Mr. *S. Rice*, to obviate some of the objections which had been made to it, moved the insertion in the fourth Resolution of the words, "appears by, and stated in."

Mr. *Scarlett*, while he coincided in the spirit of the proposition of his hon. and learned friend, observed, that in a fortnight the chief baron would be absent on the assizes. The delay must therefore be greater. But, was it probable that hon. gentlemen would be disposed to devote the summer to such an inquiry? For his part, he deprecated commencing it at so late a period of the session, and recommended its postponement to the early part of the next.

Sir *J. Mackintosh* felt the full force of the *argumentum ad inertiam* which his hon. and learned friend had used, and which had always a great effect on that House. He thought, however, that if the decision on the subject were postponed to the next session, the chief baron would have a good right to arraign the justice of the House, in denying him an earlier opportunity of clearing his character.

Mr. *R. Smith* was apprehensive that the inquiry must stand over until next session. Some notice of the subject however, not of the nature of a prejudgment, ought to appear on the Journals of the House.

Mr. *Canning*, while he admitted that the amendment to the first resolution made it, not a fact, but an inference from the Report of the Commissioners, denied that a similar amendment introduced into the succeeding resolutions would have the same effect.

Mr. *Wetherell* thought the real question was, in what shape the subject should be abandoned now, in order that it might be resumed afterwards? For his part, he saw no use in agreeing to some of the resolutions, unless the others were also adopted, If it were not intended to proceed with the investigation this session, the better way would be to postpone the whole matter to a future time.

The *Attorney General* wished the first resolution to be postponed as well as the others. In his opinion, no culpability would attach to the chief baron, unless it appeared that he had knowingly taken improper fees; and, according to the report, he had only placed his signature officially to bills of costs that were not taxed, without examining them.

The House resumed. The Chairman reported progress, and asked leave to sit again.

USURY LAWS REPEAL BILL.] Mr. Serjeant Onslow moved, that the bill be committed. On the question, "that the Speaker do leave the Chair," Mr. *Davenport* opposed the motion. He contended, that a more disastrous measure for the country could not possibly be introduced. The present bill proved more than any proposition he ever recollected to have been made to the House, the modern rage for legislation. What did the bill go to do? To overturn, at one blow, that system which their ancestors, for ages, had been anxious to establish. It would raise the interest of money to an unprecedented height, and the effect would be injurious to all classes of society. Those who wished to borrow money on the mortgage of lands, would be more especially affected by it. At present, they could procure money at the rate of 5 per cent; but let this bill pass, and they would be charged an exorbitant rate of interest. Gentlemen might say, "If one person in the market won't lend money at a reasonable rate, another will." But this did not apply to persons residing at a remote distance from town, who knew nothing about the money-market. He would move as an amendment—"That the bill be committed upon this day three months."

Mr. *Ricardo* argued, that money ought to be placed on the same footing as any other commodity. The lender and borrower ought to be allowed to bargain together, as freely as the buyer and seller did when goods were to be disposed of. The hon. member who spoke last, feared that this measure would place the borrower entirely in the power of the lender. But, did the present laws alter his situation? Certainly not. Means were found to evade the law; for though the law said, "You shall not take more than a certain interest for your money," it could not compel a man to lend at that particular rate; and, therefore, he who wished to borrow at all events, and he who wished to lend at as high a rate of interest as he could get, both conspired to evade the law. These laws operated precisely in the same way as the laws against exporting the coin of the realm. Now, notwithstanding those laws, did not the exportation of that coin take place? The only effect of the statutes in that case was, to place the traffic in the hands of characters who had no scruples against taking a false oath. They were encouraged to evade the law, and made a great profit by so doing.

Mr. *J. Smith* said, that so far from thinking this measure injurious to the country gentlemen, if he were called on to devise a bill for their relief, it should be precisely such a one as was then before the House. It had been shown before a committee of that House, that in consequence of the usury laws, individuals were driven to raise money by annuities; and the consequence was, that the various charges amounted to not less than 15 per cent. He could state the cases of many persons who had been reduced to beggary, in consequence of the recent failure of certain individuals who dealt largely in transactions of this nature. He happened to be chairman of the committee of bankers, and could state, that they wished this measure not to pass, for a reason very different from that which influenced the hon. member. He thought it would raise, but they were afraid it would lower the rate of interest. What was the case with respect to foreign countries, where no such laws were known? The rate of interest in Holland was now lighter than in any other part of the world. There was no necessity whatever for laws to check usury; for, with all their efforts, they could not prevent it.

Mr. *Philips* hoped the bill would pass. The Committee by which the question was discussed, saw clearly the folly of those laws. Why should the person who had money to lend be placed under more disadvantageous circumstances than his hon. friend would be in regard to transactions in landed property? He had heard nothing which could warrant the continuance of the existing law.

Mr. *T. Wilson* agreed with what had fallen from the last speaker. Perhaps, in the present state of the money market, he should not be entirely disposed to support this measure; but, thinking the existing law highly objectionable, he should vote for it. In Holland, where commercial interests were well understood, there were no usury laws. The fact was, that the interest of money could never be kept at a high rate, while it was left to itself.

Captain *Maberly*, seeing the total inefficacy and impolicy of the existing law, would also support the measure.

Mr. *F. Palmer* opposed it, conceiving it to be most ruinous to the agricultural interest.

Mr. *W. Smith* supported the motion.

Mr. *Wynn* spoke on the same side, though he would be the last man to support the motion, if he thought it could lead to those prejudicial consequences which had been anticipated.

Mr. *Benett*, of Wilts, thought that if ever the interest of money should rise in this country above 5 per cent, the bill would be singularly beneficial to the landed interest.

The House divided: For going into a committee, 38. For the Amendment, 15.

List of the Minority.

Blackburne, J.	Palmer, C. F.
Cheere, E. M.	Powell, W. E.
Desborough, —	Plummer, J.
Douglas, W. R. K.	Pryse, P.
Estcourt, T. G.	Taylor, M. A.
Heathcote, J. G.	Webbe, E.
Jervoise, G. P.	TELLERS.
Kennedy, T. F.	Davenport, D.
Mundy, F.	Williams, sir R.

HOUSE OF COMMONS.

Thursday, June 18.

BURNING OF HINDOO WIDOWS.] Mr. *Fowell Buxton* rose to present a Petition from a most respectable meeting of the gentry, clergy, and other inhabitants of the county of Bedford. It was signed by two thousand four hundred individuals, and the petitioners earnestly implored the House to take such measures as may be deemed most expedient and effectual for putting an end to the practice existing in British India of Immolating Widows alive on the Funeral Pile of their Husbands. The hon. member said, that he was anxious to call the attention of the House to this petition, since it not only came from a most respectable body, but related to a question most interesting to the feelings of humanity. It appeared from the papers upon this subject, which had been laid on the table of the House, as well as from other documents equally authentic, that between eight and nine hundred widows were annually consumed alive in our East Indian possessions on the funeral pile of their husbands. Surely, then, some attention was due to the subject on the part of the House. It appeared, that some of these dreadful scenes were accompanied with circumstances of the most revolting cruelty. It often happened, that the same day which deprived a son of his father, beheld him the executioner of his mother; and that he was seen applying the torch to the pile which was to consume the bodies of both. It not unfrequently occurred, that, when the poverty of the parties was such as not to enable them to procure a sufficient quantity of fuel to consume the body, the half-consumed victim of this horrible superstition was suffered to linger in the most dreadful agonies, until fresh fuel could be procured to complete the dreadful ceremony. It was revolting to every feeling of humanity to know, that the convulsive agonies of the expiring victims were made the constant subject of indecent joke and brutal merriment to the surrounding spectators. He had received a letter from a friend in India, giving a detailed account of many of those shocking spectacles. Amongst others, his friend had mentioned, that, in the instance of the burning of the widow of a village barber, the friends and relatives of the party were not able to procure sufficient fuel to burn the body, and that the legs and arms hung over the fire, untouched by the flames, while the rest of the body was slowly consuming. He would mention another case, which proved that these horrible sacrifices were not always voluntary. A young woman, of only fourteen years of age, had been induced, by the persuasions of her friends and relatives, to consent to immolate herself on the pile of her deceased husband. She remained on it for some time; but as soon as the unfortunate woman felt the flames, her agonies became so great, that she burst from the pile and endeavoured to effect her escape. She was, however, brought back; and again placed upon the pile by her relatives. Again her resolution failed her, and a second time she escaped from the dreadful scene, and cast herself into a water-course to relieve her scorched limbs; but her relatives pursued her, and binding her up in a sheet placed her a third time on the burning pile. She however burst from it a third time; and then one of the surrounding spectators pursued her and brutally cut her throat. The hon. member said, he would not fatigue or disgust the House by mentioning other cases, though he could cite many. But he would just ask the House, whether these were not scenes to which, if possible, the government ought to put an end as speedily as possible? Another opportunity would, he trusted, occur, of bringing the subject more fully under the consideration of the House. He would therefore only add at present, that no danger could possibly arise from prohibiting this practice throughout British India. That such a thing was practicable the House had already sufficient proof; for it had been put an end to by every other European government possessing territory in India. The Danes, the French, the Dutch, and the Portuguese, had totally prohibited it in their portions of India; and several of the Rajahs had accomplished the same object. And so also, he was persuaded, might our own government, if they would only exert a moderate portion of that promptitude of decision which they exercised on so many other occasions, not half so important. He earnestly hoped that the serious attention of his Majesty's ministers would be directed to the subject; for if something were not done in the interim, he should certainly feel it his duty to call the attention of the House to it early in the next session.

Mr. *Wynn* said, that there could be no difference of opinion, as to the principle upon which the hon. gentleman urged the abolition of the horrible practice referred to. All of them must alike deplore the existence of these melancholy effects of superstition. Considerable difficulty would, however, attend any practical measure which might be adopted, with a view to putting an end to this barbarous custom. The cases of successful interference on the part of other nations, which the hon. gentleman had referred to, were not parallel; since it was evident, that the same experiment might be safely made in a small possession, which could not be hazarded without great danger in a territory so immense as that which was subject to the British dominion in India. Horrible, however, as the practice was, it was one as old as any known in India. It had existed at least as far back as the time of Alexander the Great; and it had taken such deep hold of the natives, and was founded on such strong feelings connected with the religion of that country, that he feared that any attempt to put an end to it, by force, would be ineffectual. He therefore much doubted, under all the circumstances, the policy of legislative interference in a matter which it would be better to leave to the judgment and discretion of the local government.

Mr. *Hume* observed, that the subject had occupied the attention of the government in India, and that as strong measures of prevention had been adopted as could well be taken, without interfering with the religious prejudices of the people. By the existing regulations, no widow could be burned alive unless by her own free consent. Certainly, no means of influence or persuasion ought to be omitted to prevent this horrible practice; but he deprecated legislative interference, as likely to lead to dangerous consequences.

Mr. *Wilberforce* said, it appeared clear to his mind, that if proper means were resorted to, there would be found no greater difficulty in putting an end to this horrible custom, than there had been found in putting an end to a similar practice under the government of marquis Wellesley. He was sorry to find that the practice was increasing, and had extended itself to places in which it had not formerly existed. As to the sacrifices being voluntary, how could a sacrifice be called voluntary, where the wretched victim was bound down to the stake to prevent the possibility of escape? He hoped that his hon. friend would persevere in his intention of bringing the subject again before the attention of the House.

Mr. *Forbes* said, he had once thought that the practice might be put down by legislative interference, but he had since had reason to alter his opinion, and thought that no regulations would be sufficient to check it. It was the opinion of the marquis of Hastings, that the means which had been taken to prevent, had tended rather to increase, than mitigate the evil. The widows would equally satisfy the barbarous superstition which prevailed in India, by being burned, drowned, or buried alive. If the existing practice could be abolished, the number of victims was not likely to be diminished. He was convinced that force would be of no avail; though he believed that a good deal might be effected by persuasion.

Mr. *Money* was of the same opinion, and wished the subject to be referred to a committee, that some measure might be devised for checking the horrible practice.

The Petition was then read; setting forth,

"That the Petitioners contemplate with extreme concern the practice existing in British India of Immolating Widows alive on the Funeral Pile of their Husbands; that, from official Returns now before the public, it appears that the number so immolated in the Presidency of Calcutta alone, in the years 1817 and 1818, amounted to upwards of 1,500; that, assuming this calculation to be a standard whereby to judge of the extent of the practice throughout the whole of Hindoostan, the total number may be computed at upwards of 2,000 in every year; that it further appears, by the regulations passed in India in the year 1815, that an attempt was made, to diminish the frequency of this ceremony, by restricting its use within the limits prescribed by the Shaster, which limits had, in a variety of instances, been exceeded, but that, so far from having the desired effect, this act of interference had contributed to increase the practice, by legalizing its performance in all cases specified by the Shaster; that the Petitioners would respectfully submit, that to allow a custom in any form, or under any modification whatever, which may be justly chargeable with the crime of murder, is to violate the principles on which all civil law can alone be founded and maintained, and no less involves a breach of those laws of God which demand respect from every country professing Christianity; that under these circumstances, the Petitioners earnestly implore the House to adopt such measures as may be deemed most expedient and effectual for putting an end to a practice which, so long as it is suffered to continue, cannot but be considered as an anomaly in the administration of civil law, authorizing a wasteful expenditure of human life, and compromising that character for humanity and veneration to the laws of God, which they trust will ever distinguish the government and people of this country."

The Petition was ordered to be printed.

HINDOO INFANTICIDE.] Mr. *Buxton* next moved, for "Copies of all correspondence which has taken place on the subject of Hindoo Infanticide, and of all proceedings of the Indian government with regard to that practice."

Mr. *Wynn* said, he had no objection to the motion, but he feared that the efforts of the government would be found not to have been more effectual in repressing this practice, than they had been in the case of the immolation of Hindoo widows.

The motion was agreed to.

EMPLOYMENT OF THE PEASANTRY OF IRELAND—MR. OWEN'S PLAN.] Mr. *S. Rice* presented a petition from the Hibernian Philanthropic Society, praying that the House would take into consideration Mr. Owen's plan for the employment of the poor, with the view of ascertaining how far it could be applied to the employment of the peasantry of Ireland. The petition was from a very respectable body, and, as such, merited the attention of the House. Upon the merits of the particular plan recommended by Mr. Owen, he would offer no opinion; but that some plan which would give employment to the poor in that country was much called for, there could be no doubt. To those who would study the peace of that country, such an object must be of vast importance. He would take that opportunity of asking the right hon. gentleman, whether he would object to the appointment of a committee in this or early in the next session, for the purpose of inquiring into the best means of employing the poor in Ireland?

Mr. *Goulburn* said, he could have no objection to the appointment of the committee. On the contrary, he would give such a measure his best support; but he feared that if the committee were to employ themselves in considering the practicability of Mr. Owen's plan, however benevolent the intention of that gentleman might be, they would find their time not very well bestowed. At the same time, he trusted they might be able to devise some measure which could be carried into effect.

Ordered to lie on the table.

OLIVE (STYLING HERSELF) PRINCESS OF CUMBERLAND.] Sir *Gerard Noel* rose for the purpose of moving that the petition which he had on the 3rd of March presented from the Lady calling herself Olive, princess of Cumberland, should be referred to a select committee. She had, he observed, been now for three years applying, but without effect, for the payment of a sum of money alleged to have been bequeathed to her by the will of the late king, which she declared to be necessary for the payment of her debts. He was afraid he should find it difficult to make himself understood. He was an old member of that House, though he was not an old speaker in it; and he feared that the cause of this lady would not be much advanced by any adventitious aid from any eloquence of his. His was not the eloquence which could make a bad cause appear good; but certainly he never would have taken up the present if he had not thought it always a good one. Whether good or bad, however, he had undertaken it and would go through with it. He had always believed that every member of the royal family was on the civil list; and that it was not in the power of a minister to say, that a member of the royal family should have nothing to live upon. But here was a member of the royal family who had nothing to live upon. How was this matter to be settled? He had always understood, that by the British constitution, there could be no wrong without a remedy. But here was a lady suffering a great wrong, for which she had hitherto no remedy. He would now come to what he thought ought to be done in the case before the House. If she were an impostor, he claimed that ministers should protect the dignity of the royal family from the imposition. This lady was in possession of certain papers, not rejected by the public or by any tribunal, but at the same time producing no benefit to herself. He would not enter into any detail of the case—not because he had nothing to detail; but he had it in command from this royal personage (and he should call her royal until she had been proved to be otherwise), to say nothing that could be in the smallest degree offensive. He had it also in command too from this royal person to himself if no good answer were given to him, to say something that would be very strong, both to the ministers and to the country [a laugh]. He should move for the appointment of a select committee on the petition he had presented three months ago. He had not neglected to take up the matter earlier through fear. Fear formed no part of his composition. He would pursue this lady's claim to the death, until she had obtained her rights. When it was shown that she had no claim, and not till then, he would give up the matter [Hear]. If the petition were not understood, he begged that it might be read again; for no man had a right to sit, much less to vote, upon a case until he knew the merits of it. No person who could treat such a subject with levity ought to vote upon it. To give judgment against any person without knowing why, would be still further to prove the necessity of the parliamentary reform sought for by the people. He pretended to say, for one, that he was a representative of the people; and, if a reform took place in parliament, if he did not come in again he should be very much surprised [laughter]. But while he was for reform, he, was by no means for revolution. He was one of the oldest members of the House. He had gone through the whole of Mr. Pitt's administration. He had come into parliament with "Pitt and the Constitution" on his cockade. The constitution, had been his watchword throughout; and if it had been corrupted through neglect the blame lay somewhere. Where there was a grievance it ought to be remedied. To return to the case before the House. He must say, that great blame was attributable to those who had neglected this question. I am determined (continued the hon. baronet) to rectify the matter. I am resolved to persevere. If I cannot find the means of doing it here, I will find them somewhere else—

"Flectere si nequeo Superos, Acheronta
movebo."

[loud laughter]. He would here beg, that the petition of Olive princess of Cumberland, which he had had the honour to present on the 3rd of March, last might be read [It was accordingly read by the clerk]. Perhaps it might not be fit for him to enforce this question, if there were any disposition on the part of ministers to grant the select committee. He undoubtedly meant to present the case in such a form as not to be personally disagreeable to the rest of the royal family [a laugh]. There was no man in the kingdom more attached to the royal family than himself. He had worn the prince's button for many years, and had had the honour of being very intimate with his present majesty. When Prince Regent, he had visited Rutland, and had no where seen tenantry more loyal than those upon his (sir G. Noel's) estate. He was compelled to the present proceeding, and he hoped that the good sense and discretion of ministers would shew them the necessity of proving this woman an impostor; if she were so in fact. Such were the grounds on which he most pertinaciously took up the claim of this lady as a royal personage. He hoped that some hon. gentleman would second his motion for a committee, without the necessity, on his part, of saying more. He did not wish to shirk the subject, or to pretend that he knew something that he dared not speak. He did not wish to avoid the question in any way. What he wanted was, to avoid being offensive; and he had it expressly in command from the royal lady to be respectful. He would therefore conclude by moving, "That the said petition be referred to a Select Committee, to examine the matter thereof, and to report their observations thereupon to the House."

Mr. *Hume* said, he seconded the motion with great pleasure; not because he had any acquaintance with the petitioner, but because, after what had publicly occurred on the subject, it appeared to him that her claims had become a serious question which ought to be settled. The petitioner claimed to be a branch of the royal family. Whether she was so or not, he did not know; but ministers, in defence of the dignity of the royal family, ought to take some steps against a supposed or real impostor, who in every newspaper had publicly asserted her right. It appeared that the petitioner was in possession of certain documents, one of them bearing the signatures of his late majesty, of Mr. Dunning, and other witnesses. This appeared to be a good document. The right hon. Secretary seemed to intimate a doubt regarding it: but the signature of Mr. Dunning had been proved by the best evidence that could be found. This document, formed the principal ground on which he (Mr. H.) seconded the motion; for it appeared that his late majesty died without a will, and in common acceptation it appeared to him that this paper was a will, and that it could be so proved before the proper courts. This lady had been imprisoned for debt, and her creditors had brought her claim into court, demanding to be administrators of the personal property of his late majesty. This ought to have been done by the party who took possession of the personal property of the late king, for there was nothing in law, that he was aware of, that ought to have prevented it. The judge in the court to which the petitioner appealed, had not pretended to deny the authenticity of the documents. He had only said, that he had no authority to take cognizance of the claim. He himhimself had seen a document in the late duke of Kent's own hand writing, stating that lord Warwick had told his royal highness the whole transaction, as also that he had been ordered by his late majesty not to disclose it until after his majesty's death. The duke of Kent was so convinced that this statement was true, that, under his own hand-writing, he had promised to pay this woman a certain sum of money; thus showing that he believed her to be the legitimate daughter of his uncle, the late duke of Cumberland. It was not necessary for him to take notice of the early marriage of the late duke of Cumberland, but he would assert, that ministers ought long ago to have instituted some proceeding to elicit the truth. At present, it seemed to him that a committee was the only mode of proceeding, and for this reason he seconded the present motion.

Mr. Secretary *Peel* said, that the hon. baronet had imposed upon him a duty of rather an embarrassing nature. The subject was so exceedingly ludicrous, that he really felt called upon to beg pardon of the House for occupying its time regarding it. It seemed that the hon. baronet considered himself acting under the obligation of a royal command, believing the individual for whom he appeared, to be a princess of the blood. Such, certainly, was not his (Mr. Peel's) opinion; and upon the whole, perhaps, the best course he could pursue was, to state that truth, and those facts which it was the object of the hon. baronet to elicit. To pass over the case in silence might, perhaps, confirm groundless suspicions. He would therefore proceed to show, that this lady was either herself practising the most impudent imposture, or that she was the innocent dupe of others. The hon. baronet had omitted to state his case. It was therefore necessary for him (Mr. Peel) to detail it; and he would do so as shortly as possible. There were two brothers of the name of Wilmot; the one, Dr. Wilmot, the other a Mr. Robert Wilmot. The person now claiming to be princess of Cumberland was the daughter of Robert Wilmot. Proof of her birth and baptism existed, and for a considerable time she had been contented with this humble origin. But in the year 1817—(very possibly before that date she had pretended to be other personages)—she discovered that she was not the daughter of Robert Wilmot, but of the late duke of Cumberland, brother to his late majesty, Geo. 3rd. She did not then, indeed, pretend that she was the legitimate but the illegitimate daughter; and, in 1817, a petition, signed "Olivia Serres," was presented to his majesty by a person on her behalf, which contained these words —"May it please your royal highness to attend to the attestations which prove this lady to be the daughter of the late duke of Cumberland by a Mrs. Payne, the wife of a captain in the navy. Mrs. Payne was the sister to Dr. Wilmot, and this lady was born at Warwick, and the attestation of her birth is both signed and sealed by the matron and the medical attendant." This petition went to prove that she was the illegitimate daughter of the duke of Cumberland; but in 1819 the lady became dissatisfied with this distinction, and then she discovered, and produced attestations to prove, that she was the legitimate offspring of the duke of Cumberland by the daughter of Dr. Wilmot. She alleged, that Dr. Wilmot had a daughter who was privately married to the late duke of Cumberland in 1767. It was known that the duke of Cumberland was in fact married, not to Miss Wilmot, but to Mrs. Horton, in 1769. Of course, the ground of the petitioner's claim was, that the duke of Cumberland had been guilty of having been married to her mother two years before his union with Mrs. Horton. After the death of lord Warwick, and of every party who could prove the signatures, the petitioner produced several documents to show that there had been a private marriage in 1767, and that she was the offspring of it. The marriage at that date would have been legal; the royal marriage act not then having been passed. She also produced various papers to account for the secret having been so mysteriously kept till the year 1819.

Sir *G. Noel* interposed to state, that the late lord Warwick had given the papers in question to the duke of Kent. The petitioner did not obtain them until after the death of lord Warwick.

Mr. Secretary *Peel* added, that they had not been forthcoming until the death of every party whose signatures they purported to bear: even the accoucheur who attended her mother, died in 1818, a year before the claim was advanced. The attesting witnesses were, Mr. Dunning, lord Chatham, and lord Warwick, and their names were used to prove a secret marriage, and the consequent birth of a child in 1772—no other, as was pretended, than the present Mrs. Serres. To account for the long belief that she was really the daughter of Mrs. Wilmot, she asserted that Mrs. Wilmot having been delivered of a still-born child, the petitioner, the daughter of the duke of Cumberland, was substituted for the sake of concealment, and that Mr. Dunning and lord Chatham had consented to that substitution. The story was full of fabrications from beginning to end. They were easily detected. But if he could show, as he was prepared to do, that two of the documents were forgeries, the presumption would be complete that the rest were not more authentic. He would take the two most important documents—the supposed will of his late majesty, and the pretended certificate of the private marriage. The petitioner claimed 15,000*l.* under an instrument which she called a will, signed on the 2nd of June, 1774, by his late majesty, and witnessed, "J. Dunning, Chatham, and Brook." The terms of the bequest were singular. It was headed G. R. "In case of our royal demise, we give and bequeath to Olive, our brother of Cumberland's daughter, the sum of 15,000*l.*, commanding our heir and successor to pay the same privately to our said neice, for her use, as a recompense for the misfortunes she may have known through her father." It would be observed, that this paper was witnessed, among others, by lord Chatham in 1774; but that nobleman had resigned his office in 1768, and never afterwards held any public employment. In 1772, he made a speech in direct opposition to the king's government; and, on the 20th of January, 1775, he moved an address to his majesty, to withdraw the troops from Boston. Those who knew the sentiments of his late majesty on the subject of the American war, would find it difficult to believe, that under such circumstances he would select lord Chatham to be his confident in a private transaction such as the one in question. But, on a reference to the recorded speech of lord Chatham on that occasion, it would be found that that noble lord actually commenced it with these words: "As I have not the honour of access to his majesty, I will endeavour to transmit to him, through the constitutional channel of this House, my ideas of America, to rescue him from the misadvice of his present ministers."* But there was another of this lady's documents, said to be signed by lord Chatham, of a still more extraordinary nature. Would the House believe that a man of lord Chatham's known character would have done so dishonourable an act as to put his hand to a certificate like that to which his signature appeared to be appended: It began—"To be committed to the flames after my decease;" and it testified, "that the duke of Cumberland having subjected himself to the crime of bigamy, we have agreed to let his daughter Olive be the sacrifice." It was signed "Warwick and Chatham." It was on the 20th of January, 1775, that lord Chatham had made his motion respecting the troops at Boston, and in six weeks afterwards it would not be easy to guess on what service his lordship was employed.—His name was appended to a document couched in these terms—"The princess Olive, only child of Henry Frederick, duke of Cumberland, and bred up as *my* brother Robert's daughter, may be known by a large brown spot." [Laughter, and cries of "Where? where?"] He should touch upon the brown spot by and by. He hoped that hon. members would restrain their curiosity upon this point for a few moments. If they did not think fit to satisfy themselves upon the subject, he would inform them, that according to the grave testimony of lord Chatham, the said large brown spot was of a liver colour, and that its situation was on the right ribs of her highness the princess Olive of Cumberland. [Much laughter.] It was indeed putting the distaff into the hands of Hercules to call upon lord Chatham to bear witness to this delicate but important fact. Nor was it very likely that the authentic signature of Mr. Dunning should be affixed to this pretended bequest. However, whether it were or were not, this document was comparatively unimportant; because, if the marriage really took place, Mrs. Serres was to all intents and purposes, princess of Cumberland, and nothing could defeat her claim to that title. It was necessary, therefore, to examine the certificate of the marriage, which was dated March 4, 1767, and was in these words—"I hereby certify that Henry Frederick, duke of Cumberland, was this day married to Olive Wilmot, and that such marriage has been legally and duly solemnized, according to the rites and ceremonies of the Church of England." It was signed "James Wilmot," present "Brooke," "J. Adder." "G. R." was also appended, but for what purpose did not appear. This document was intended to make out that the marriage was solemnized by James Wilmot, the real uncle of the petitioner. It was often astonishing to see, in how many points, a fabricated story might be detected. Now, it was a fact, that James Wilmot was a fellow of Trinity College, Oxford, and unfortunately for the petitioner, on that very day, March 4, 1767, he was resident there, as it appeared by the books of the college, that he quitted Oxford on the 5th of March, 1767. So much for Mr. James Wilmot. But still the signatures of the late lord Warwick and of J. Adder remained to be disposed of. The late lord Warwick, by the paper, appeared to have signed "Brooke," his father being still alive; but unluckily again, the late lord Warwick, before he succeeded to the title, had always signed "Greville." He was so named in the entry of the burial of his wife. His servants knew him by that title only, and in that title his father's property was bequeathed to him. He (Mr. Peel) was in possession of a letter from the present lord Warwick, stating that the title of lord Brooke had not been borne by any eldest son but himself. The fabricator of this instrument had therefore been misled by the present practice of the family. As to the signature "J. Adder," a person had been sent down to Warwick to inquire if there existed any recollection of such a person; and by the residents he was rather startled to be informed, that the medical attendant of the Warwick family certainly was a Dr. Adder. On further investigation, it turned out, however, that the real name of the gentleman was James Haddow; that he came from St. Andrew's, and that the people of Warwick generally, in speaking of Dr. Haddow, had omitted the H in his name altogether, and had substituted an R for a W at the end of it. Here, again, vulgar mispronunciation had misled the framer of this precious piece of imposture. Having touched upon these prominent points, he apprehended that he had said enough to satisfy the House. [Cheers from all sides.] It was needless, therefore, to go into other documents; and even the hon. baronet himself, with all the fealty he had professed, would probably admit that the claim of the lady was disproved. If, however, the hon. baronet was inclined to persevere in her cause, there was one pretension, on which he (Mr. Peel) did not wish to throw the least discredit. He held in his hand a manifesto signed "Olive," and claiming the high dignity of princess of Poland, by virtue of her relationship to Augustus Stanislaus, as she here pretended that the duke of Cumberland married Olive, the legitimate daughter of the king of Poland. It concluded in these terms—"Alas! beloved nation of our ancestors, your Olive lives to anticipate the emancipation of Poland. Invite us, beloved people, to the kingdom of our ancestors, and the generous humanity and wise policy of the emperor Alexander will restore the domain of our ancient House." It went on to assure the Poles, that her legitimacy, as princess of Poland, had been fully proved in England. Thus it appeared that this lady had two strings to her bow. With her claim to be a Polish princess he had not the slightest wish to interfere, but should sit down satisfied with having shown that she had no pretension whatever to that rank in England.

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* See Parl. History, v. 18, p. 149.

Sir *Gerard Noel*, in reply, contended that the House ought not to be satisfied by the pleasantry of the statement of the right hon. gentleman. Assertion was no proof. If lord Chatham were out of office, it did not show conclusively that he had not signed the documents bearing his name. If the right hon. gentleman had nothing to fear, why did he not consent to the committee? He should press the question to a division, if he stood alone, and did not retract an iota of what he had stated.

The hon. baronet, on consulting with one or two members near him, afterwards said, that he would not be so impertinent as to trouble the House to divide. The motion was therefore instantly and loudly negatived.

British Roman Catholics Tests Regulation Bill.] Lord Nugent having moved the order of the day for the second reading of this bill,

Sir *G. Hill* said, that he rose for the purpose of expressing his unqualified dissent to the measure. Those who advocated the bill did so from an opinion that the peaceable demeanour of the English Roman Catholics entitled them to at least a participation of equal privileges with those of that persuasion in Ireland, whose conduct was the very reverse. He wished, however, to warn the gentlemen of this country against a measure which had produced such injurious consequences in Ireland, where, he would assert, they had not enjoyed one year of substantial tranquillity since 1793, when the elective franchise had been conceded to the Catholics. Whereas, from 1783 to 1793, when they had no such privilege, the country was at peace. If this bill was passed, he was convinced that energies which had long lain dormant, would be roused, and all the ambition which belonged to the Catholic religion would be called into action.

Mr. *W. Bankes* could not suffer any stage of this bill to pass, without entering his protest against it. He objected to it altogether, notwithstanding the anomaly in the condition of the English and Irish Roman Catholics.

The *Attorney General* would not now oppose the bill, but he wished to state his objections to the clause which went to relieve every person from the oath of supremacy.

Mr. *Peel* said, that in the present bill he saw many objectionable clauses, which he would not, however, discuss in the present stage; but he could not help objecting to the removal of the oath of supremacy on the part of those who were candidates for office. As far as regarded the elective franchise, he had no objection to grant it to the English Roman Catholics without any restriction: but, as a qualification for office generally, he considered the oath to be indispensable. The Catholic would otherwise be put on a more favourable footing than the Protestant or Dissenter.

Mr. *Bankes* thought the bill should not proceed until the House was in possession of better information, as to the object of it, than had yet been afforded. The phraseology of the bill was by no means correct or explicit, even as to the purposes suggested by the noble lord himself. Did the noble lord mean to say, that English Roman Catholic subjects were to take no oath at all? Were those subjects not even to be bound by the same obligations as Protestant Dissenters and Church of England men? He contended, that if the bill now introduced should ever pass the House, it would be necessary very considerably to extend the present list of excluded persons. His main objection to the bill referred mainly to the constitution of the British parliament: for he was decidedly adverse to extending to Roman Catholic subjects the elective franchise in any degree. With respect to Scotland, the principle of the noble lord's bill would embrace the repeal of the act of Union.

Mr. *Wetherell* said, that he should now content himself with briefly recording his objections to the bill; but in the committee he should feel it his duty to oppose almost every line which it contained. It was at present so worded, as to exact nothing short of the dissolution of the principles of the test and corporation acts.

The bill was then read a second time.

HOUSE OF LORDS.

Thursday, June 19.

STATE OF IRELAND.] The Duke of *Devonshire* rose to submit his promised motion on the State of Ireland, and spoke nearly as follows:—My lords; it was not my intention to occupy the time of your lordships until an opportunity should present itself on the discussion of the subject which was expected before this to have been brought under the consideration of this House. But fearing that the delay which has occurred in another place might prevent that discussion from coming on in due time, and feeling, that it would be a great misfortune if this session of parliament were suffered to terminate its proceedings without allotting one night at least to the consideration of the State of Ireland—of the wrongs of its people—of the acts and conduct of its government; I have, therefore, my lords, however ill qualified to discuss a subject so important and so comprehensive, yet, trusting to the indulgence of this House, and to the active support of the noble friends by whom I am surrounded, stept forward to call your attention to the state of Ireland, to the sufferings, and just complaints of the people. My lords, I am the more desirous to do so, because it is easy to foresee that we shall be again called upon to continue that rigorous and coercive system under which Ireland is suffering—under which she has suffered so deeply and so long. My lords, I am most anxious to suggest to the House the means that strike my mind, as best calculated to lead the way to the mitigation of those evils which have damped the energies, and retarded the progress of improvement in a country rich in natural advantages, and richer still in the character of its inhabitants.

My lords, the distracted state of Ireland at this moment, the distress and discontent which prevail there, shew that there is something essentially wrong in the nature of its government. Where a people are suffered to live under the fair protection of just and equal laws—where industry is encouraged and rewarded, and the necessaries and comforts of life are enjoyed, it is scarcely possible to suppose that the people would wantonly put to hazard the security of themselves and their families, for the purpose of actively engaging in a conspiracy against the authority of the government and the laws—a course of conduct which would, sooner or later, lead to shame and punishment. My lords, in a country where the laws are not respected by the people, and the people are not protected by the laws, it follows that the system of government is defective—that the laws have not been sufficient to eradicate evils which have been fostered by ancient prejudices and a long course of bad administration. It is, therefore, in such a state of things, the duty of the legislature to adjust a new and improved system, to the end that the people may be righted and the government strengthened. My lords, we are all acquainted with the melancholy truth—not only that the state of Ireland is alarming, but that it is most difficult to devise a speedy and effectual remedy. But surely, my lords, it cannot be too strongly impressed on the minds of your lordships, seeing that laws are actually in progress to suspend the most dear and valuable rights of the people of Ireland, that those rights ought not to be interfered with, without at least an attempt being made by the House, to ascertain the causes of the present discontents, to remove prevailing abuses, and to place in their stead a wise, a liberal and a permanent system of government.

My lords, in tracing the present evils of Ireland, it cannot be denied that the state of the laws which affect and degrade the Catholic population is one great and prevailing cause of discontent. My lords, whilst all relaxation of those laws is sternly refused—a course equally opposed to the principles of sound policy and of public justice—it is in vain to hope that any human power can establish the real and permanent tranquillity of Ireland. My lords, it is high time for the House to take into its consideration the state of the Catholic question. Until you set that question at rest, by conceding to the people their rights, it is impossible for you to abandon that system of exclusion, of partiality, and of injustice which has so long prevailed—it is impossible to mitigate the evils that have sprung from that system—or to conciliate the majority of the people, who differ in religious opinions from the Established church. It would be very foolish to say that the adjustment of the Catholic question would be alone sufficient to remedy the misfortunes of Ireland. No, my lords, the miseries which afflict her have been too long cherished, have sprung from too many sources, to be removed by a single measure; but, whilst that measure is left undecided, whilst so much cause of discontent and jealousy remains, it cannot fail to excite irritation, to foster dis-union and to interrupt the progress of every beneficial or conciliatory measure that may hereafter be adopted.

My lords, the state of the Irish government—its policy—its practice demand a complete and thorough examination. In a country discontented and divided as Ireland is, no hope of amendment can be cherished—no safety for the people, no respect for the government can be established—unless equal laws are enacted, and an equal and impartial distribution of justice is observed towards all classes of his majesty's subjects. My lords, there is but too much reason to fear that the narrow and illiberal policy of those who have, unfortunately for Ireland, borne sway in that country so long, has greatly diminished, in the eyes of the people, that respect for the laws, and that confidence in the pure and impartial administration, which it is so desirable to inculcate in the breasts of the people. My lords, a very different system is now carried on, with reference to the government, from that which policy, justice, experience, would sanction—a system of indecision and of trimming—a system which can inspire no confidence, and achieve no good object. My lords, the reasonable but ardent hopes that were entertained by the people of Ireland have been destroyed. Their claims—far from being satisfied—have scarcely received the benefit of a common discussion; subjects, deeply affecting the peace and safety of that country have been passed over; have been trifled with —and those who have acted thus have defended this unjust, improper, and unconstitutional course, by declaring that their object was, not to give a triumph to either party. The natural consequence of such conduct has been to spread the progress of discontent. The truth, my lords, is, that the power and government of Ireland are entirely in the hands of a small number of men, known by the name of Orangemen. They are strongly opposed to the people in feeling and in interest. Conscious that they have no claim on the confidence of their countrymen, whom they have uniformly insulted and oppressed, they act on the principle of fear and hatred; on the other hand, the people, looking on those men as the authors of all their sufferings, naturally entertain jealousy and suspicion towards them. Such is the melancholy state of things in Ireland, and so must it continue, as long as one party is put in authority over another.

My lords, can any one doubt that it is the first duty of the legislature to remedy, if possible, a state so shocking and alarming, as that which Ireland now presents? But it is not by half measures—it is not by divided councils—it is not by the doctrine, that a triumph must not be given to either party—that that remedy can be applied. One law for the Protestant, another for the Catholic—one for coercion, another for relaxation. Such a state of administration—such a system of policy upon subjects of the most vital interest—can inspire no confidence, and lead to no good results. My lords, the course which it is your duty to pursue is plain. You must either adapt the system of your government to popular feelings and interests, or, on the other hand, you must invest the Orange party with the strongest power, and put down by force the claims and hopes of the people.

My lords, there is another cause of discontent in Ireland to which I must allude. I mean the Tithe system. In the course of the last session, a pledge was given by a noble earl at the head of his majesty's government, that the subject of tithes should be taken into consideration; and certainly ministers have so far redeemed that pledge, as to introduce a measure which is now in progress in another place. It would therefore be improper for me to say anything with respect to that measure. I shall content myself with expressing a hope that it may not turn out to be absolutely nugatory; that it may have a good effect on the public feeling; that it may give comfort and tranquillity to the people, safety to the government, and security to the Established Church.

My lords, in conclusion, if I may be allowed to hazard an opinion with respect to the measures that are necessary and desirable, I should urge the concession of the Catholic claims—a liberal and satisfactory arrangement with respect to tithes —an abridgment of the power of that exclusively Protestant party who have so long and so shamefully ruled Ireland—and a just and impartial administration of the laws. If it should be said, that with respect to some of these measures, ministers are disposed to adopt them, then, my lords, it is our duty to see that the measures of ministers are really efficient—that they are not such as can only prove more clearly the evils complained of—but measures of importance calculated to ameliorate the condition of the people. My lords, the appointment of the noble marquis at present at the head of the government of Ireland to that important station, was heard of with great satisfaction, and inspired his countrymen with considerable hope; but I cannot help expressing my disappointment that the opinions of that noble person on the state of Ireland have not been communicated to the House. It is impossible that he must not have formed an opinion on the events which have taken place in that country for the last year. I should be curious to ascertain if the noble marquis adheres to the opinions formerly delivered by him in this House. If he does adhere to them, then I should like to ascertain how it has happened that those views have not been acted upon. My lords, feeling strongly that inquiry into the state of Ireland is called for by policy and necessity—that it cannot fail to produce a most salutary effect, if the people can be made to believe, that there is a fixed purpose on the part of the legislature to inquire into the grounds of the evils which oppress them, that, whilst the government have been obliged to have recourse to the extremity of power, the parliament have shown a disposition to introduce and carry into effect measures calculated to heal the wounds which oppression had made, calculated to promote the interests, to increase the happiness, to enlarge and secure the liberties of the people. I beg to propose the following resolutions:—

1. "That this House has learnt with the deepest regret, from the information laid before it during the present session, by command of his majesty, that a general spirit of violence, manifesting itself in outrages of the most alarming nature, has for some time prevailed in many parts of Ireland, and that, in the opinions of his majesty's government, extraordinary powers are required for the protection of the persons and property of his majesty's subjects in that kingdom.

2. "That this House will be ready to concur in any measures which may be found indispensable for the prompt and effectual suppression of these disorders; but experience has proved, that coercion and force, however necessary to avert a pressing and immediate danger, have not been sufficient to eradicate evils, whose magnitude and frequent recurrence induce a belief that there must exist some material defect in the state and administration of the laws, and the system of the government; to the examination of which, with a view to the adoption of more permanent and effectual remedies, it is the duty of this House to apply itself without further delay."

Earl *Bathurst* denied that there was any evidence to substantiate the charges against his majesty's government which the noble duke's speech contained. That the parliament had, since the period of the Union, been employed solely in passing coercive measures, it was sufficient to refer to the Statute book, to see the unfounded nature of that charge. The agriculture of Ireland was undoubtedly an object of the first importance; and, in 1806, the free importation of corn was allowed into this country from Ireland, at the same time that the free importation from foreign countries and from our own colonies was forbidden, and the monopoly of the grain market was thus given to Ireland. And at a subsequent period, when the prices were raised at which corn might be imported into this country from foreign countries and from our colonies, it was suffered to remain in the same state as to Ireland. However much political economists differed as to the propriety of the measure, they all agreed that it was the most important boon which could be conceded; and, if their lordships referred to the quantities imported, they would see that, in the last year, it was quadrupled, as compared with the year before the Union. Let their lordships also look to the different measures that had been introduced for the improvement of the administration of justice in that country; which was the first object to which the noble duke had called their attention; but from the manner in which he had commented on it, their lordships might be led to suppose that no one measure had been adopted relative to it. The noble earl here instanced the present improved mode of selecting the sheriffs, which was now similar to the practice in this country: the corrected mode of levying fines where recognizances were forfeited; the improvement of receiving evidence by grand juries, and not, as before, finding their bills on the depositions taken before the magistrates; and lastly, the Police bill, which had recently been passed, and of the good effects of which they had the testimony of the noble marquis at the head of his majesty's government in Ireland. There was also the introduction of petty sessions into that country—a measure of the greatest practical utility, and conducive in a great degree to the ends of justice. It had been the practice of a man who had a complaint to make, to go before some magistrate who he imagined, from similarity of political sentiment or other causes, might be favourable to him; but now, each magistrate was checked by his fellows, and by their acting under the control of public opinion. The control also which was placed on local taxation by the grand jury presentments bill, would be a great advantage to the country. The importance of this measure would be apparent to the House, when they recollected, that at the time when the whole revenue of Ireland was only four millions there was little less than one million collected under the authority of grand jury presentments, of which no account was rendered to the public. Another measure by which Ireland had been benefitted was, the advance of money for public works, to be repaid by instalments, and the sums granted for extending and improving the fisheries. The noble lord (Clare) who seconded the petition presented by a noble duke (the duke of Leinster) relative to Mr. Owen's plan, had thought proper to complain, that government had done nothing towards providing for the poor of Ireland; but, if their lordships would compare the sum voted this year for that purpose (30,000*l.*), and look to the sum which was voted by the Irish parliament (only 300*l.*), that comparison was sufficient to relieve the Imperial parliament from the charge of neglecting that country. If the subject of the noble duke's petition should be thought necessary to be considered, there was every disposition in his majesty's government to take it into the fullest consideration. Not that he meant to give any opinion on Mr. Owen's plan, but merely to express the desire of his majesty's government to concur in any rational plan for the improvement of the condition of the people of Ireland. The consolidation of the two exchequers was another measure of great benefit to Ireland. By that measure she was relieved from the payment of the two-seventeenths of the annual charge, as stipulated by the act of Union; and the present amount that she paid was, in fact, only two-twenty-sevenths instead of two-seventeenths. By this measure the taxation of that country had also been greatly relieved. Last year the window-light duties had been considerably lessened; and this year still further reductions of taxation were to take place; and Ireland was about to be relieved from all assessed taxes, at the same time that this country remained burdened with a great proportion of those taxes. Was it, then, fair to represent the parliament as being only employed in devising measures of coercion? It was very true, that as the coercive measures were always confined to a limited period, it was frequently necessary to renew them: but the measures for the benefit of Ireland were at once rendered permanent, and were acting at that moment silently and beneficially for her advantage. The noble duke had complained, that there was no conciliation in the councils of his majesty's government; but, did not the measures he had already enumerated deserve the name of conciliation? They were not intended, nor did they operate to benefit one class of people to the injury of another. They embraced the whole community in their influence, and extended relief upon a scale the most universal. As to the question called Catholic Emancipation, it was too large a subject to be discussed in conjunction with others. He was sure, therefore, that he need not apologise to their lordships for declining to enter into it on the present occasion. With respect to the motion now before their lordships, it differed little from that which was made by a noble marquis last year. The noble marquis had then recommended that the duties on the distillation of spirits should be lowered, and it had been done. The noble marquis had recommended that the country should be relieved in its taxation; and it had been done. He had complained of the evils arising from the number of absentees, and had represented the necessity of adopting some measure calculated to encourage the residence of the gentry of Ireland. The removal of the assessed taxes was an encouragement of that nature. Another benefit was, the commutation of tithes, now under consideration; and whatever could be done for the general good of Ireland would continue to find, as it had found in these instances, an honest attention on the part of his majesty's government. For the reasons he had stated, he could not agree to the proposition of the noble duke; but, being unwilling to meet it with a direct negative, he would content himself with moving the previous question.

The Earl of *Clare* said, that his noble friend seemed to think he had complained that government had done nothing for Ireland. Now, his observation was, that enough had not been done in the way of amelioration, and that the extent of the wretchedness was not known in this country.

Viscount *Clifden* said, he was aware that, according to the arrangement made at the time of the Union, Ireland was to pay about seven millions and a half towards the general expenses of the empire. But the wretchedness to which that country was reduced rendered the payment impossible. Government, however, would have a Union, and they must take the consequences. One of the great grievances of Ireland was, the number of her absentees, which number the Union had increased; but the evils which a long system of misgovernment had imposed upon that unhappy country, were as numerous as the stars of heaven. He strongly condemned the tithe-system in Ireland; which, he said, had been the main cause of all the burning and bloodshed which had occurred. Even in England the tithes occasioned great discontent, but in Ireland they produced misery unparalleled. It was said, that tithes were of divine origin. It might be so; but this he knew, that they were the cause of envy, hatred, malice, and all uncharitableness. The very mode of their collection was oppressive in the extreme. The proctor did not go till the crop was taken off the grounds; and then, if the farmer did not agree to his valuation, and submit to his demand, he was taken into the Bishop's Court, where the vicar-general was not only a churchman, but was judge and jury in his own cause. Their lordships, as a body, knew no more of the state of Ireland and her sufferings, than they did of the state of Japan. He did not pretend to decide the precise point where obedience terminated, and resistance might begin; but this he knew, that it would be difficult to conceive a case of greater oppression than that of empowering a person to decide in his own cause, however respectable his character or pure his intentions might be. The noble earl had taken credit for a bill to mitigate the pressure of the tithe system; but it was a question whether the bill would ever come up to that House; and he could tell the reverend bench, that they would receive no more tithe from Ireland. In Ulster, the population was not in the same state of wretchedness and violence as in the other three provinces; because the penal restrictions which had brought ruin and desolation on the other parts had never been enforced there. This was a sufficient comment upon the tendency of those laws. The noble lord then took a review of the different branches of trade which had fallen away through discouragement, and noticed the expression of a gentleman then high in office, with respect to the woollen trade; namely, that every pound of wool manufactured in Ireland was so much loss to England. In consequence of this policy, the woollen trade had been driven out of Ireland, and then came an idle and indigent population, and an inveterate spirit of hatred—the natural result of such ill-judged proceedings. Such was not the policy of Russia, nor of Frederic of Prussia, a cut-throat and a robber as he was; the one attempted to introduce manufactures into the wastes of Poland, and the other into the sands of Magdeburgh. He believed that there was none of that commercial jealousy now, but the impression was still left, and until it was removed from the minds of the people by the liberality of the government, it was vain to expect that the union of the countries could be complete. They should repeal the last letter of that absurd and vicious penal code, under which so many calamities had grown up, and lighten the burthens of the Church Establishment. The Irish established church was a church without a flock, and though they might provide otherwise for the support of the clergy, the payment of tithe was out of the question. He wished for nothing more anxiously than to see the two islands united, in the true sense of the word. When that was happily accomplished, England would become the great country she had been; but until it was, Ireland would continue to be a millstone round her neck, and a source of weakness instead of strength. The noble lord concluded by expressing his determination to support the motion.

The Earl of *Darnley* said, he had been anxious, from the beginning of the session, to draw the attention of the House to the important subject now before it, and should therefore take that early period of the debate for submitting his sentiments to their lordships' consideration. He felt that the time was now come, when the government should put its shoulder boldly to the wheel, and without fear of consequences, reverse the system which had been so long and injuriously acted upon in the sister country. If a decisive step of this sort were not speedily adopted, that island, which might have been made the best bulwark of the empire, must inevitably fall to destruction. Although many laws had passed within the last twenty years for the amelioration of the sister country, they had proved of little use. Even recently, after having confided in the hopes which were held out by his majesty's ministers that the situation of Ireland would engage their closest attention, although they certainly had introduced some acts which appeared to be of a beneficial tendency, he was now obliged to come to the conclusion, that nothing had actually been done for the unfortunate country in question. It was indeed true, that, in the other House of Parliament, many wearisome nights had been spent upon a late investigation relative to Ireland; but, instead of its producing any benefit to that country, the result had been—the triumph of an intolerant party, and the elevation of an obscure stationer in Dublin to the head of the Orange faction. He must also admit that the subject of the Commutation of Tithe had engaged the attention of the other House of Parliament; but he doubted whether their lordships would ever see the consummation of the measure. The bills which his majesty's government had brought in, with the view of relieving Ireland from the oppression of tithe, gave, in reality, no satisfaction to those most conversant with the state of that island. On the contrary, it was believed, that those bills would not only enable the Church to exact as much as it did now, but even a greater amount of revenue. The policy of England, ever since its connection with Ireland, was, he regretted to say, directly the reverse of all other countries similarly circumstanced. The principle upon which it proceeded was, that of dividing the people against themselves, and of maintaining a difference between the English and the Irish part of the inhabitants, which was the bane of both. The consequence was, that many of the Irish still detested the name of England, whose oppressions they had felt, but in the benefit of whose laws and constitution they had never participated. Upon this ground alone he might rest his support of the inquiry which his noble friend had demanded. But there was another question, which, although this was not the proper time to enter into its discussion, he could not avoid some allusion to—he meant Catholic Emancipation. That question had been argued over and over again, until its adversaries were left without any thing to oppose to it but vague insinuations; and although hitherto rejected on such grounds, he would ask, whether it would be possible much longer to withhold their rights from six millions of his majesty's subjects? Last year a branch of the subject had come before their lordships; namely, the restoration of six of the oldest peers in the realm to their seats in that House, some of whom enjoyed the highest hereditary dignities, but whose ancestors had been deprived of their birthright in moments of public delusion. Their petition had been rejected. But, though those six noble persons might be thus treated without danger to the state, did their lordships think that six millions of Irish Catholics would bear with the same impunity their present degradation? Were they prepared to allow the grievances of that great body to remain unredressed, and to encounter the dangers of such a population, should a state of war again arise, and an invasion of that part of the empire be contemplated by the enemy? He did not mean to say that Catholic Emancipation was the panacea for all the evils which afflicted Ireland; for in his opinion, nothing short of a complete revision and change of the whole system would answer any good purpose. On the subject of the present government of Ireland, he wished to say little. He had, from early life, the highest regard for the abilities of the noble marquis who was now at the head of that government; but he confessed that he had heard with astonishment and regret, his acceptance of office under the present administration, composed of a cabinet decorated with all the hues of the rainbow, except that the orange colour predominated; a cabinet inconsistent in all their principles of governing Ireland, and consistent only in their fixed determination to retain their places.—After Catholic Emancipation, came the question of Tithes; and upon that subject, he was sorry to say that the milk-and-water measure now in progress elsewere, was likely to be futile. What was there in the situation of the Irish peasant which was to render him satisfied with his condition? Compare it with that of the English peasant. The latter had, in general, the means of labour, and some comfort and security in his cottage; but the poor Irish peasant was left without adequate employment. He was the victim of every species of petty exaction. The little spot of ground allotted to him was exorbitantly valued —the last farthing was wrung from him, minus what was necessary for bare animal existence. The great evil was the want of employment for the people; which, coupled with the exorbitant charge imposed on them for their potatoe-gardens, left them in a state of utter destitution. The government, perhaps, could not do much directly, in supplying the people with employment, but still some relief might be given in that way, by the making of canals, the construction of public works, and the establishment of manufactures. Much, of course, rested with individuals; and it particularly behoved the Irish landed proprietors to encourage industrious habits among the poorer classes. In this respect, his noble friend who had introduced the present motion had set a noble example to the other proprietors of Irish estates. He (earl D.) had endeavoured, at an humble distance, to tread in the steps of the noble duke; and he could say, from experience, that giving employment to the people of Ireland was the best means of insuring the tranquillity of the country. But, as long as the present system of government was pursued—a system which gave the word of promise to the ear, but broke it to the hopes, of the people of Ireland, no real permanent advantage to the country could be expected. He was afraid it was useless to anticipate any change of measures on the part of his majesty's ministers, unless parliament compelled them to adopt a new course. He did not, therefore, ask too much, when he intreated the House to step forward, and save Ireland, if possible, before it was too late. England, great as she was, would not be able, in the existing state of Europe, to govern that country much longer with the sword; and he trusted, that this consideration would induce their lordships to adopt the present motion.

The Earl of *Gosford* said, that a more important motion than the present never came before their lordships. The measures which had been hitherto adopted to tranquilize Ireland, had entirely failed of their object, and that country was at the present moment on the very verge of rebellion. He therefore trusted, that the House would not separate, without taking some steps for the protection of the peaceable and well-affected part of the community. Hitherto, the whole system pursued in Ireland had been one of mal-administration: and until it was reformed, there could be no hope that the situation of the sister country would improve.

The Earl of *Caledon* said, that, in his opinion, all the expectations which had been formed from the present government of Ireland had hitherto been totally disappointed.

Lord *Maryborough* said, that the present was a question which touched so intimately on a country with which he had been long and extensively connected, that he should not consider that he had discharged his duty to the administration of which he formed a part, to his noble relation at the head of the Irish government, or to himself, if he did not avail himself of the earliest opportunity of stating his sentiments to the House, and of giving his decided negative to the motion. It was impossible to conceive a motion of more importance at the present moment, than that which the noble duke had felt it his duty to submit to the consideration of the House. No man was more sensible than he was, of the sincerity of the wishes which the noble duke had expressed for the welfare of Ireland, or knew better than he did the benefits which he had conferred on his numerous tenantry. He was ready to acknowledge the dignity and propriety with which the noble duke had brought forward the motion; but he must confess, that there was, at the same time, something in the manner in which the noble duke had stated his views on the subject to the House, which did injustice, not only to the present administration and to the present parliament, but to every administration which had governed Ireland, and to every parliament which had sat from the period of the Union to the present day. Before their lordships came to a division upon this question, they ought to, and they undoubtedly would, take the whole case and all its circumstances into their consideration: they ought to inquire how much the parliament and the government had done for Ireland. The noble duke had represented the case of Ireland, as if nothing had been resorted to for its government since the Union but coercion, he had completely kept out of sight all the boons which had been conferred on that country by the united parliament. But, after what had been stated by his noble friend, it was impossible for any noble lord to doubt that great attention had been paid by the successive parliaments, and administrations, to the state of Ireland; that her interests had been consulted, and her welfare promoted. It was impossible to deny, that if the parliament had not gone quite so far as some noble lords professed to wish, yet it had gone a great way towards ameliorating the condition of the people of Ireland. But, though the speech of his noble friend contained, in his opinion, a complete vindication, not only of the present but of the former governments of Ireland, yet he was anxious to add a few words to that statement, because it was highly necessary that their lordships should be in possession of all the facts of the case, before they came to a decision, which in substance, if not in form, tended to pass a vote of censure upon every administration and every parliament since the Union [hear! hear!]. One of the grievances complained of by the noble lords opposite was, the want of Education among the lower classes in Ireland. But why had not the noble duke stated to their lordships what efforts had been made by parliament to overcome that evil? In the first place, commissions had been appointed to inquire into every charitable, every royal, and every other foundation for the education of the poor in Ireland. The commissioners had faithfully and diligently exercised the trust reposed in them. They had found, that many abuses did exist, to which they had immediately applied remedies; and he was happy to say, that there did not at the present moment exist a single evil pointed out in the reports of those commissioners. He spoke now in the presence of noble lords who were as well acquainted with the reports of those commissioners, and with the results which had followed from their labours, as he could pretend to be; and he now called upon them to contradict him, if that which he stated was not correct [hear hear!]. In the 14th report the commissioners went so far as to recommend, that a seminary should be established for the education of schoolmasters to be sent into different parts of the country to instruct the poor; and that these schoolmasters should not be educated upon any exclusive system of religion. That report had been taken into the serious consideration of government, and a seminary for the education of schoolmasters was established. And lest it should be supposed that government had the slightest wish to trench upon the consciences of the Roman Catholic, that seminary had been placed under the control of a board existing in Dublin, composed of Roman Catholics as well as Protestants, and from that seminary schoolmasters had been sent to various parts of Ireland. Even in the course of the present session no less a sum than 9,000*l.* had been voted for the maintenance of schools in Ireland.

Why had the noble duke omitted to state to their lordships, that under the superintendance of the united parliament which had been represented as paying no regard to the interests of Ireland, no less than six harbours had been made in Ireland, viz. Dunleary now called Kingstown, a most magnificent work, and calculated to make Dublin an excellent harbour; Howth, Araglass, Donoughadee, and two others. In these works above one million of money had been expended [hear, hear!]. After what had fallen from the noble duke, and the complaints of want of attention to the welfare of Ireland, their lordships would hear with surprise that within the last year a sum of 250,000*l.* had been voted for public works in Ireland, 500,000*l.* had been advanced for new roads, 100,000*l.* for the employment of the poor, 500,000*l.* for the support of commercial credit, and 200,000*l.* for occasional exigencies. All these things had been done for the improvement and the benefit of Ireland; and, if their lordships were to give credit to the statements of the noble lord opposite, done by a parliament not feeling any paternal regard for that country. But he had by no means stated all that had been done for Ireland. Their lordships knew that 500,000*l.* was granted for improving the internal navigation of Ireland, that 150,000*l.* had been expended upon the grand canal, and 198,000*l.* upon the royal canal. Did these grants, he begged to ask their lordships, justify the assertion which had been so often made there and elsewhere, that since the Union Ireland had never enjoyed the blessing of a paternal government? But the united parliament had not stopped even here. To the Roman Catholic Seminary no less a sum than 201,075*l.* had been granted; and, as it was considered an important point by parliament to encourage the residence of the clergy upon their livings, so as to produce a constant intercourse between the clergyman and his parishioners, no less than 614,000*l.* had been voted, in aid of the Board of First Fruits, for the building of churches and glebe houses, and that board had been by these means enabled by gifts to build 202 churches, by loans 312 churches, by loans and gifts 457 glebe houses, and by loans and gifts to improve 153 glebes. He felt it due to the Board of First Fruits to say, that every shilling of the funds entrusted to their care had been expended with the strictest regard to economy, and with the most impartial and judicious attention to the interests of the country.

In making these statements, he begged not to be understood as claiming for the present administration, or for the present parliament, exclusively, the praise of having directed their attention to promote the welfare of Ireland. He sincerely believed that all the parliaments, and all the administrations, since the Union, had been actuated by the same feeling towards that country. He was ready to admit, that the noble lords opposite to him were entitled to their share of that praise when they were in power. They, however, only gave two boons to Ireland. The one, and a great boon he allowed it to be, was, the Insurrection Act [" no, no!" from the Opposition benches!]. All that he could say was, that only a few weeks ago, the learned gentleman who was attorney-general for Ireland when the noble lords opposite were in office, had told him that he had drawn the bill. It was a measure which certainly ought not to be resorted to except in the last necessity. But it must never be forgotten, that it was the duty of government to protect loyal subjects; a conviction which was no doubt impressed on the government of that day; and, in his opinion, they had done right. That was their first boon. The second boon was, opening the ports, and enabling Ireland to send corn to this country. For that, also, they deserved the gratitude of that country. One of the most striking features of the conduct of his majesty's present government was, that they not only had brought in measures themselves, which they thought serviceable to Ireland, but had adopted the hints of others. For instance, they had adopted sir John Newport's bill to regulate courts of Justice. That was a great boon to Ireland. It proved that parliament were alive to the interests of Ireland, and that government not only did what they could to promote those interests, but did not disdain to avail themselves of the efforts of others. Then, there was the commission to inquire into the collection of the revenue in Ireland, from which such able and excellent reports had proceeded. Was it nothing to institute such a committee? Was it nothing for ministers to follow them through all their reports; and to cut down the abuses to which they pointed out, to a degree that must prove a permanent advantage to the country. At the same time, it ought not to be forgotten, that ministers, by acting as they had done upon these reports, had diminished the patronage of the Crown in Ireland to a very great extent. But they felt that that was not for a moment to be put in competition with the interests of the country.

Under these circumstances, if the House were to agree to the noble duke's motion, they would in substance, pass a vote of censure upon every administration that had existed since the Union. There was one other subject to which he had not yet adverted, and that was Catholic Emancipation. He confessed, that at one time, he very much doubted the expediency or the wisdom of acceding to that measure; but, upon a more full consideration of the subject, he had changed his opinion, and he now sincerely wished to see it passed. But he was, at the same time, fully convinced that the measure was at the present moment impracticable. Although he was favourable to the measure, he was equally convinced that it was not one which ought to be pressed at any time, and under any circumstances. Were not the noble lords opposite to him convinced, that the success of that measure must depend upon circumstances which did not exist at this moment? Did not the noble lords opposite, when they were in administration, think the time unfavourable to Catholic Emancipation? Their own acts proved that they did. They did not then propose what they now consider to be absolutely indispensable; namely, unqualified emancipation. Had the noble lords opposite proposed a solitary measure for the benefit of Ireland? If they had, government would instantly have attended to it. The subject of Tithes in Ireland was one which every administration had looked at without much good effect. Two bills, one for the commutation, the other for the composition of tithes, were now in progress in the other House. This was a subject of great difficulty. He confessed his astonishment, however, at what had fallen from a noble lord opposite who had addressed the bench of bishops on the subject. He (lord M.) was of opinion, that tithes were a description of property which ought to be as much respected as any other. The noble lord ought also to recollect, that half the tithes of Ireland were in the hands of lay impropriators. One measure could not be adopted towards the church, and another towards the laity. It was also a fact of which the noble lord was perhaps not aware, that the lay impropriators invariably exacted from the people more than the clergy did. Of this, however, he (lord M.) was convinced, that if the proposed bill should not prove satisfactory, the subject was one which his noble relation, as long as he held the situation which he at present occupied, would never lose sight of. But, was it common justice to cast a slur on the government of Ireland, before the measures which they had brought forward were fairly tried? Did not the despatches on their lordships' table state, that his noble relative entertained the greatest hopes from the measures on trial; from the improvement in the magistracy; from the change in the county-courts; and, above all, from the arrangement in the distillery laws, by which it was expected that an end would be put to the infernal evils resulting from illicit distillation? His noble relative had said in those despatches, that when the various measures which he enumerated were at work, he hoped he should get at the root of the evil, and be enabled to afford protection to loyal and peaceable subjects. But, it was impossible that the effect of any laws, however good, could be immediately manifest. For all these reasons, he should certainly feel it his duty to support the previous question.

Lord *Holland* asked, whether this then, was really the case on which the noble lords opposite meant to rest their justification for rejecting the motion of the noble duke before him—that motion which had been supported so ably and so powerfully by many noble lords connected with the kingdom of Ireland? Was it possible, on such grounds, for the noble lords opposite to require their lordships' to reject that proposition? Why, the noble lord who had spoken second in this debate, and the noble lord who had just sat down, had, throughout the whole of their arguments, rested on grounds completely inconsistent with those which had been laid down last session by the noble earl at the head of the Treasury. The whole of their argument came to this—that, because great boons had been granted to Ireland, it was quite unnecessary for their lordships to investigate the causes of the recurrence of those disturbances and disorders which now agitated that country. Did they mean to deny the existence of those disturbances. They could not deny it; for the noble earl opposite had admitted the fact last session, and had also stated the causes of those disturbances. The question lay within a very narrow compass, although it was connected with many serious and interesting considerations. It was simply this—whether it was preferable to have a parliamentary pledge, or the pledge of the government, that the causes of those disturbances should be inquired into? He must say, that the whole tenour of the speech of the noble lord who had just sat down, was little complimentary to the people of that country with which he had been so long connected. The noble lord did not deny that they were in a state almost amounting to rebellion; but he observed, that they had been in the habit of receiving great boons from this country, for a long period of time; and then the noble lord had left the House to imagine "what an ungrateful people those Irish must be." There appeared to be a state of discontent and dissatisfaction all through Ireland, notwithstanding the many boons which had been so much vaunted. The noble lord had spoken of the boon of education—he had enumerated the harbours, the roads, and the various public works, which were forming; and the conclusion was, what ungrateful persons these Irish must be, not to conduct themselves better, after such large sums of money had been voted for their employment—after so many important boons had been granted to them.

The noble lord had also thought fit to allude to the former conduct of several noble lords in that House. But it was not what measure this noble lord had supported, or what enactments that noble lord had caused to be passed, which could decide the question of the present state of Ireland. The noble lords opposite had, for many years, been in the habit of haranguing that House on the necessity of destroying the immense power of France. They had been constantly describing the French government as the most horrible tyranny that ever deserved the execration of mankind. And yet, if Napoleon Buonaparte were arraigned, might he not say—"Is there a part of Europe I have not improved? Look at the roads I have constructed—behold the palaces I have built—mark the sums of money I have laid out—and, above all, contemplate the improvement I have effected amongst those who are living under my dominion!" [Hear, hear!]. The noble lord had left the last point untouched. He had said nothing about the improvement of the people of Ireland. And truly, it would have been very strange if he had! He had made an ostentatious display of the generosity and benevolence of government and of parliament; but he had been silent as to the good effect which had been produced on the state of the people of Ireland. He had pointed out the grievance and its cause; but he had not shown that any effectual mode had been adopted for removing it. The noble lord had referred to the measures taken by a former administration. This had been the practice with noble lords opposite for some years. Let what would happen, their constant observation was—"Oh! you did the same!" This was a most unparliamentary mode of proceeding; and, at this distance of time, he disdained to answer it. He would only hint, that such a line of argument was quite stale. It was hunting on a very stale scent, to refer to that which had occurred seventeen years ago. If noble lords opposite wished to indulge in that sort of observation, they ought, occasionally, to give up the situation they now held to his (lord H.'s) friends; and then they would have new grounds to argue upon, instead of constantly recurring to those that were wholly and entirely worn out [a laugh]. The noble lord had said, "One of the boons you granted to Ireland was the opening of the corn-trade." He certainly thought that that concession was in the nature of a boon—not from the administration, although sir J. Newport had great merit for the part he had taken in that transaction; but he viewed it as a boon from the people of England to the people of Ireland. It was a great boon—a boon of which he approved; although he admitted that it was inconsistent with the true principles of commerce; but he thought it was right, at that time, to sacrifice that consideration for the benefit of the sister country. Though, in a commercial point of view, and with reference to the principles of political economy, the proceeding might not be correct, still he approved of that boon, under the peculiar circumstances of the country. The noble lord, using a forced figure of rhetoric, said, "Another of your boons was the Insurrection Bill. I know that such and such measures were under consideration. I know officially, that such and such plans were suggested by the government in England and in Ireland." The noble lord was, however, mistaken; and he would find that he was, if he inquired of his noble friends near him. The truth was, that bill had been previously prepared: it was true, that he (lord H.) had accidentally read it: it was also true that he, for one, should have protested against the measure, and he intended so to have done; but circumstances occasioned him to act in a manner of which he had ever since repented. He had, on that occasion, given almost the only vote he ever regretted. It was wrung from him by circumstances; and he was unable to state the reasons why, in his opinion, the measure should not pass. But the noble lord said, that a thing prepared was the same as a boon given. "You gave Ireland," he observed, "nothing else save what I have stated; but you tried to do something for the Catholics." Certainly, the measure of emancipation had a much greater right to be carried than the Insurrection Act; and he and his noble friends gave a pretty strong proof of their sincerity with respect to that matter; for they had resigned—a course of proceeding which he believed, was entirely out of the noble lord's contemplation [a laugh]. The noble lord said, "You must consider it quite impracticable to relieve the Catholics—nothing of that sort can be done." Nay, he said more, "I, on principle, defend Catholic Emancipation," observed the noble lord, "but this is not the time for it. I have been for a long period friendly to it, but this is not a principle which a man should, at all times, bring forward. I came over to the side of Catholic Emancipation, because I thought the time was approaching when it ought to be carried; but, the period having arrived, I am willing to hold a place in a cabinet, in which that subject must not be mentioned—which will not make it a cabinet measure—which will not support it with all the weight of government, although I know it is impossible it can be carried, until it is made a cabinet measure!" [Hear.] The noble secretary of state, who spoke second in the debate, had exclaimed—"What! do you mean to be guilty of the horrible injustice of excluding a man from office on account of his opinions?" And this he said in the very face of the laws which excluded five or six millions of people, one-fourth of the whole community, from holding great offices, and from sitting in parliament [Hear]. Now, with respect to the boon of education, what had been done? He would ask, what reference had those points to the subject? How did they bear on the question immediately before the House? It was said that much had been effected with regard to the education of the poorer classes: and he was sorry he did not see a noble and learned lord (Redesdale) in his place, who was one of the great advocates for it, from whom, perhaps, they might have received some useful information.

The noble lord then proceeded to observe, that the motion before the House did not state that parliament had done nothing, or that no efforts had been made to assist the people of Ireland, or that the legislature had shrunk from its bounden duty. It only declared, that the scenes which were now passing in Ireland proved that there was something exceedingly wrong in the state of that country, and it called on parliament to institute a solemn inquiry into the case. Would noble lords say that there was nothing wrong in the state of Ireland? They could not. And when they admitted the fact, could any man assert, that an inquiry should not be set on foot, to put an end, if possible, to the evil? The question then was, "Is it proper to have a pledge of parliamentary inquiry?" and, "is this the proper time for inquiry?" No person could vote for the amendment, except on one of three principles. Either he must think that there is no necessity for an inquiry into the state of Ireland at all; or he must suppose that he can leave the inquiry safely to the executive government; or he must be of opinion, that though it is proper to inquire into the subject, this is not the fit time for such inquiry. As to leaving the inquiry to the executive government, he might be allowed to observe, that many noble lords, and one in particular, who stated his motives for so leaving it, pursued that course last year. At that time, he (lord H.) refused to confide the inquiry to government on account of the manner in which that government was composed; but he must say, looking to their conduct, and to the language they had held since, he was now more adverse than he was then to placing any such confidence in ministers. When, on a former occasion, a noble friend near him had introduced a resolution similar to the present, the noble earl at the head of the Treasury had said, "God forbid I should consider these coercive bills, necessary as they are in consequence of the present state of Ireland, as the means that are solely to be depended on for tranquillizing that country." He well recollected the metaphorical expression of the noble earl on that occasion. "No," said he, "we must probe this business to the bottom. The causes of this state of things do not lie on the surface. The evils of Ireland lie deep in the frame of society. These are merely temporary measures. God forbid they should be anything more! It is, however, necessary, that we should possess the means of putting down disturbances; and that we should devise some remedy for these evils, the roots of which lie so deep." Who would not think, when the noble earl had procured the Insurrection Act, that he would immediately have set about digging and delving, to find out that precious jewel which was to cure all the evils which afflicted Ireland? But he did no such thing. He confined himself to the surface; he plucked his rue and dandelion; and then he said, "Smell to this wonder-working flower, it is a certain cure for all the evils of which Ireland complains." The noble lord who spoke last had told them, that a bill, which would be most beneficial to Ireland, would shortly be laid before their lordships. For his own part, he did not believe it would be quite so beneficial as the noble lord supposed. He, as an older member of that House, would tell the noble lord, that the bill to which he had alluded, especially if it were good for any thing, was not likely to go to the people of Ireland as an act of parliament this session. He had observed uniformly, that, in proportion as the number of individuals who wished to obtain any object through the medium of parliament was great, additional difficulties were thrown in the way of their success. The practice reminded him of a story in ancient fable. It was very commonly said,—"Stop, this is a most important subject—we must weave a parliamentary web, which can be undone at pleasure." And, when the suitors imagined they were on the point of enjoying the object which they had so long and so strenuously pursued, committees and reports were interposed as barriers to their success. Then at the end of the session, came the noble and learned Penelope, who presided over the House, and with the assistance of his or her handmaidens, unravelled the web, which it had taken the whole session to weave [a laugh].

The noble lord then proceeded to observe, that he believed the views of the government of Ireland, so far as the noble personage at the head of that government was concerned, were statesmanlike and wise. He believed there was a sincere desire in that quarter to carry into effect the measures which had been referred to. He, however, was convinced by experience, that hitherto the noble personage of whom he spoke, had found it impossible to act as he wished. He knew the painful situation in which that individual was placed; and perhaps some persons would blame him for having subjected himself to the inconvenience which he now experienced. An illustrious duke (Wellington) who stood in the same degree of relationship to that noble personage as the noble lord who spoke last did, had used an expression which precisely met the situation of the noble marquis now at the head of the Irish government. Soon after the Spanish papers were laid on the table, he (lord H.) met a noble friend, whom he had not seen for some years. Though a man of considerable acuteness, he was not much in the habit of reading diplomatic papers, and he said, "You, in the course of your parliamentary duty, find it necessary to examine papers of this sort—pray what is the meaning of the phrase I find here—'a false position?' I suppose it is a metaphor taken from the art in which the noble writer is so eminent. It is some sort of situation in a campaign." I (observed lord H.) answered, that it was a sort of jargon bandied about between diplomatists and ministers, but that I really did not understand what it meant. "O," said my friend, "if it is so commonly used, you must attach some meaning to it." "Yes," I observed, "it is understood to be a post, in which a man depends more on his enemies than his friends." "God bless me!" rejoined my friend, "that is precisely his brother's case; there is a sort of fraternal sympathy between them." [a laugh.] Such was really the situation of the marquis of Wellesley. He had placed himself in a situation in which he was surrounded by enemies; and from which he could not extricate himself. If this were so, was it not an additional reason for parliament to take the inquiry into its own hands? The noble lord opposite admitted that the evils were deeply implanted in the state of society in Ireland; and yet, instead of instituting an efficient inquiry, they were constantly called upon to renew laws which were contrary to the spirit of the constitution, and abhorrent to the nature of any man who justly prized the value of freedom. The resolution now before the House embraced these points—first, that great disturbances had taken place in Ireland, the inference from which was, that there was something in the state of that country which called for inquiry; and then the proposition, that coercive measures, without any mixture of conciliation, could produce no benefit. Certainly, when men were described as receiving extraordinary boons, and nevertheless refusing to act moderately and peaceably, it might safely be predicated, that the causes of their discontent lay deep indeed. The true cure for the evil had been well described by the noble lord who spoke third in the debate, when he conjured the House to rule Ireland by kindness, and not by severity. It was not by extending the petty sessions, it was not by erecting buildings, it was not by expending large sums of money on the building of churches, which their religion prevented them from attending, that a people could be taught to love and respect their government. It was not by measures of such a nature that a long, painful, and disgusting series of injury, obloquy, and oppression, could be obliterated from the minds of a high-spirited, warm-hearted, and noble-minded people. It was only by approaching them in the true spirit of peace and conciliation, that they could be governed; and he would say, that no government since the Union (and he included the government of 1806) had approached them in that spirit. He would not, as a member of that House, condescend to explain the circumstances which prevented the government of 1806 from fully acting on that principle, of which, however, they never lost sight. He would merely say, that, including the government of 1806, no government, since the Union, had had both the power and the will to do justice to the people of Ireland—to treat them with that degree of kindness and old English good-humour with which the government of this country always treated the people of this country, and which should constantly characterise the measures of the British parliament. A noble and learned lord (Redesdale) whom he did not see in his place, although he differed in opinion from the humble individual who now addressed their lordships, yet never stated his sentiments on this subject without giving such information on the general state of Ireland, as convinced all his hearers of the necessity of some alteration. That noble and learned lord had described the evil in Ireland to be this, "That there was one law for the rich, and another for the poor, and both were equally ill executed." Could any noble lord, after such a statement, sit down and say, "Let us leave that country as it is?" When the noble lord at the head of the Treasury declared, that the evil should be probed to the bottom, did he suppose his pledge would be redeemed, if the tithe and the distillery bill were passed? It was not, however, for the House to look to the professed views of the noble lord, as stated last year, nor to mark the inconsistencies by which his conduct had been distinguished. No: it was the duty of their lordships, as statesmen, to consider what was the situation of Ireland, of Great Britian, of the world at large, at this time. The introduction of first principles into a debate was very often tiresome, and where unnecessary might be dangerous. But, it was proper to have some opportunity of looking to that system which, for twenty years, had prevailed with respect to Ireland. During that period they had had full power over the people of that country. What were the rights of the people of Ireland, or what were the privileges they were entitled to claim, he would not examine. He would only observe, that government was established for the good of the public. The government belonged to the public, not the public to the government. A poet had said, but his lordship thought erroneously,

> "What'er is best administered is best."

This was a maxim of which he did not approve; but whether it were well-founded or no, it did not apply to Ireland. Where a government excluded a large portion of the inhabitants from their fair share of the power, no minister could rest his justification upon an assertion that the machine worked well. Let any man judge of the government of Ireland by its fruits. Could it be said, "The people are contented; why, then, would you disturb them with vain theories and abstract principles?" When the administration of justice was contrary to all principle, it was absurd to talk of the absentee landlords, and to ascribe to them the evils which existed in Ireland. Their origin might be traced to that state of things which was the confirmation of the maxim, that there could be no happiness for the body of the people, no security of their rights, no enjoyment of any condition of society, unless where the people were admitted to that fair share of political power to which all men were entitled. It was very true, he could not trace what direct connexion there was between the exclusion of the Catholics and the enormous endowments of the church in Ireland: but these two phænomena presented such an anomaly, as never had before existed in the history of mankind, and never had any people been plunged into such abject calamity as the people of Ireland.

He thought he might at least say, that he had made out what the lawyers would call a *prima facie* case, to show the necessity of inquiry. He supposed that no one would now take up that stale maxim of divine right, which, though it had been repudiated by the common sense of the people, seemed, however, to find its way into cabinets. When the tithe bill should come before their lordships, he should state his opinion upon it with perfect frankness, and with as much fairness to all the parties concerned as he could command. Much had been heard of the consequences of foreign interference with Ireland. No man, he believed, on that or on the other side of the House could doubt that power placed in the hands of the Bourbon government would not be at the least as dangerous to Ireland as that which prevailed during the plenitude of Napoleon's authority. He did not mean to say that the power of the Bourbons was equal to that possessed by Napoleon; but their enmity to the Protestant government of this country was far more deeply rooted. He did not speak on this subject without authority; and he repeated, that the Bourbon government, reigning, as they affected to reign, by divine right, supported by an army of the faith, and aided by the machinations of missionaries and jesuits, was far more dangerous to the security of this country and of Ireland than all that Napoleon could ever have effected. Perhaps the noble earl opposite would say, that this was a reason against the measures which he (lord H.) was advocating. But, he would say, that if Ireland could not be governed by mildness, and by engaging the affections of the people, he was sure it never could, and he hoped it never might be governed, by any other means. For these reasons he recommended their lordships, in the most earnest manner to institute the inquiry. And, still more necessary did it become, seeing that their lordships would ere long be called upon to enact that hideous statute—he could not call it a law, for it was a suspension of all law—which surpassed in cruelty all that had ever been devised, and which, as an Englishman, he could not think of without disgust.

He would say one word to the noble lord who spoke last. That noble lord had talked of the favours which had been conferred by the government on Ireland. While he denied the propriety, he cautioned the House against the adoption of any such language. It had been used to the Americans; it had always been found dangerous, and it was improper; because it assumed, that what a government did for the people of a country could be a boon and a kindness. He knew of none which could be bestowed by a legislature upon a people. It was the duty of a legislature to consider and adopt whatever measures could tend to the welfare, the tranquillity, the liberty, and the enjoyment of the subject. It was to use the language of contumely and insult, when persons of one religion should tell those of another, that while they discharged only their duty they were extending to them a favour and a boon.

The Earl of *Limerick* said, that although an opinion was elsewhere entertained, that the disorders in Ireland were caused by religious differences, he was convinced of the fallacy of that opinion. He would not pay so bad a compliment to the upper classes of Irish Catholics as to suppose that they countenanced such outrages. He was equally ready to acquit the priesthood; and he believed that the promoters, as well as the actors, in the disorders, were altogether confined to the lower orders of the people. He had had interviews with two captain Rocks; for their lordships must know that there were as many captain Rocks as there were bands of rioters, and these persons had told him what their object was. These men avowed to him, with perfect tranquillity, that their first wish was, to drive away the heretics, and to take their property. This was the aim they had in view, and until they had accomplished it, they assured him they would never be quiet. He was no advocate for severe laws; but when a whole province was given up to fire and sword, when the ordinary administration of the laws was not sufficient for the security of the peaceful inhabitants, he could not feel any reluctance in adopting strong measures. He had assisted, on a former occasion, in carrying into execution the measure to which he alluded. He had done so because he thought it necessary. It was enforced under the inspection of persons of high judicial authority, and no sentence had been passed which was not merited, nor upon any one whose guilt had not been clearly proved. If the assertion was true, that in Ireland there was one law for the rich and another for the poor, he protested he was ignorant of it. Without meaning to flatter the noble lords opposite, he must confess that they had made every exertion in their power for the restoration of tranquillity. He had been originally an advocate for the catholic institution at Maynooth; but recent experience had convinced him, that it was productive of much harm, and he now thought, that Catholics, by being educated abroad, would return not only better Catholics but better subjects. After some remarks upon the woollen manufactures of Ireland, the encouragement of which would, he thought, do more towards the restoration of tranquillity than any other measure, his lordship, speaking of the lord-lieutenant, expressed his high opinion of his intelligence and ability; but he thought that the simpler the government of Ireland could be made the better. Courts were no where schools of morality; and no where were they less so than in Ireland. He would not have the court of Ireland remain a school for Tyro-statesmen, to learn their trade in, but an institution for the just administration of the laws. He should not vote for the resolutions; but would rely that, as the ministers had already done much, they would do still more towards the amelioration of Ireland.

Lord *King* said, that their lordships had heard great credit taken for remedying evils in Ireland, the existence of which, until the remedial measures were brought forward, had always been denied. The ministers, too, had given up taxes in Ireland. And why? Because they could no longer collect them. He wished those who opposed inquiry, would read the Insurrection Act—an act which seemed more suited to a slave island and a slave population, than to the inhabitants of a free country. His majesty's ministers reminded him of a certain clergyman, not the most exemplary in his practice, who had said, "this is the cursedest parish that God ever put breath into. I have been preaching to them for five and twenty years, and they are as bad as they were before." His majesty's ministers, in like manner, with their parish of six million of souls, had been holding forth to them on the necessity of tranquillity; yet, strange to say, this parish, more irritated by acts than tranquillized by words, was as turbulent as ever it had been. Ireland was certainly a country *sui generis.* With a church as highly endowed as any in Christendom, it was nevertheless as wretched as any country in the world. Those who had any thing to do with its government, should hide their heads for shame, at the mention of such a disgrace to the civilized world.

The Marquis of *Lansdown* said, that after all they had heard last year in that House and in other places; after the declaration of the noble earl opposite, that if there could not be found a remedy immediately, for what was then called, and now more emphatically might be called, the melancholy state of Ireland, still no time should be lost in probing it to the bottom—he had come down with great anxiety, to hear whether it was the result of deliberate reflection on the part of his majesty's ministers, that Ireland should continue in its present state; or whether they expected, from the measures in progress in the other House, relief for Ireland, from a state of peril more alarming than any that had been witnessed since the rebellion of 1798. The noble Secretary of State had that night done him the honour to ascribe to him the merit of suggesting certain measures that had been carried to a certain extent; and the noble master of the Mint, who was afraid he should be too much intoxicated with this commendation, and actuated by a laudable desire to gather up every crumb of praise for a ministry that had done so little and demanded so much, had observed, that though none of these measures were then before parliament, they had all an existence in his mind, and would, after six years of silence and power, have been immediately brought forward [a laugh]. He should not quarrel with the noble baron as to the originality of his ideas, but whether such a measure originated with his friend, sir J. Newport (whom, whenever Ireland was mentioned, he was proud to call his friend), or with whom else soever, he should observe, that what he complained of was, not that beneficial measures were not suggested, but that there was not that vigorous and determined tone in the government, which was necessary to carry measures opposed by prejudice, by local interests, and by the inveterate habits of the country—obstacles, only to be overcome by an unbending course, and an unity of purpose in the servants of the Crown. With respect to the act for the free importation of corn, so far from being considered as an act of favour, it ought only to be viewed as an act of bare justice; for what could be more unjust, than that England should expect Ireland to consume the various articles of her manufacture, while she was not obliged to receive on equal terms the natural produce of that country, on the sale and consumption of which a large portion of her inhabitants depended for subsistence?—On the subject of the state of the roads, and the Grand Jury Presentments, he could only say, that a great benefit would be likely to arise from the bill which had been lately introduced. Did the noble lords believe that these things were in such a state of purity as to exempt Ireland from the evils which they had formerly inflicted on her? If the noble Secretary of State believed so, his belief must be founded on ignorance of the reports which had been furnished by his own engineers, and which he himself had laid before the House. Indeed, it was impossible that he could hold such an opinion, if he had read the Reports of those persons who had been employed by the marquis Wellesley; for they stated, that the system of robbery in Ireland was now carried to a greater extent than ever. There was another subject on which ministers had also claimed much credit, and with equal reason; namely, the expenditure of a large sum of money in granting out leases of lands to public bodies, for the purposes of cultivation and appropriation to the interest and benefit of public schools. But, it could not be said that this expenditure had been carried on with a spirit of impartiality. The Catholic deserved assistance as much as the Protestant, and required it more; and yet he had not been so assisted; no grants had been made to schools which were under the direction of Catholic Priests. This might be met by saying, that it was against the policy of the government to encourage the increase of catholic scholars; but there was no principle on which the Catholics should remain uneducated; for, if education did not change their opinion as to their religion, it would, at least, make them better subjects. The noble baron had alluded to reports on this subject. It had been suggested, that public schools should be kept by the parochial clergy, and the noble baron had stated it as his opinion, that two and a half per cent should be deducted from the general income of the clergy for that purpose. This proposition had not been attended to, delays had been suffered to intervene, and time had elapsed without any measures being taken. But, how different was the conduct of government when any particular proposition of their own was to be carried. When any of their officers recommended strong measures, their recommendation was immediately carried into effect, statements were laid before the House, bills were hurried through, parliament was called on to suspend the Constitution—and that call was immediately to be obeyed. He was sorry that these measures, which were so evidently for the benefit of the people, were not treated somewhat in the same manner. He regretted that no vigour, no despatch, no powerful assistance, was afforded to carry them into effect.—The noble marquis apologized for the time he had occupied on this subject, and he confessed that, much as he valued the utility of good public roads; much as he valued the benefit of public education; and much as he hated and condemned those atrocious laws whose existence now tended so strongly to demoralize the people, still he could not say that the adoption of measures for the two first, and the repeal of the last would of themselves be sufficient to root out the evils under which Ireland suffered. It had been stated, that without any effort by the parliament and government, a remedy might be found for the calamities under which Ireland laboured; but this statement came from persons who looked to the effect, and not to the cause. They said, if the landlords were more considerate, if the peasantry were more industrious, and if the gentry would reside more upon their estates, all would be well. But he would ask, were not all these the legitimate consequences of the mismanagement of the country? Were they peculiar to Ireland? Did they come in the pure air that blew over it, or did they spring out of its fertile soil? No. They might all be traced to natural causes. If the whole history of the country could be effaced, it would not require the acute discernment of a Montesquieu, nor the profound genius of a Bacon, to discover, upon looking only at the physiognomy of the country, that bad management, for the last century, had reduced it to a condition which excited the compassion of this, and something like the contempt of every other, country of Europe. To no common remedy, then, must we look for the extinction of evils of so great magnitude. Alluding to the administration of justice in Ireland, the noble marquis said, that although he would be the last man to impute any thing like partiality to the judges or the great law officers, yet it must be admitted that, from the conduct of the subordinate branches of the legal administration, an opinion prevailed in Ireland, that the law was not friendly to the people, and that they could not look to it for protection.

This notion existed, perhaps, to a greater degree than the truth warranted. Noble lords were not aware to what extent the system of exclusion tended to exasperate the people. Its operation was, to exclude six-sevenths of the people of Ireland from that to which the Statute-book said they were entitled. The number of offices to which Catholics were eligible was 2,540. What proportion did their lordships suppose was held by Catholics?—106. Until the power which wrought this effect was destroyed, it was in vain to look for loyalty and attachment. Tranquillity might be obtained; but nothing more. He did not mean to blame the lord-lieutenant. The blame belonged to subordinate agents, whom no lord-lieutenant could control; and least of all a lord-lieutenant not supported by the government at home. One of the most curious results which had come out upon a recent inquiry was, that upon some unimportant occasion Catholics were permitted to serve upon a grand jury; but upon none in which their rights, and the voting of public money was concerned. From 1798 to the present time, if there was one principle more than another which prevailed among the lower orders in Ireland, it was that they considered oaths taken for private purposes more binding than those administered in courts of justice. But, on a recent occasion, before a tribunal intrusted with the highest inquisitorial functions, a person of a certain importance, and, as he must suppose, well-educated, had despised the authority of that tribunal, and had preferred, at all risks, to retain the oath he had taken for the purposes of a faction, to paying the obedience due to the authority by which he was questioned. He knew nothing more unfortunate for a country than the erroneous opinion which prevailed on this subject; and he could not but regret, that the principle of giving no party a triumph, was suffered to be turned to purposes most injurious to the interests of the country. There was one triumph which ought always to be given—it was that of the laws; and the government which could not secure this, was unfit to govern any country, least of all to restore tranquillity to such a country as Ireland.—Here he should have concluded, but for the mention which had been made of the measure for the commutation of tithes, a measure to which he looked up for the greatest relief to Ireland. The proposed avoiding of all the evils of collection would be so great a benefit, that not a peasant would look at it but with the greatest satisfaction. He could not, however, believe that lord Wellesley could have sent over a bill, the effect of which might be to increase the burthens already weighing upon the landholders of Ireland. When he stated, that the average price of the tithes was taken at 73*s*. for the quarter of corn, a price higher than it had been for years, he thought the bill must have undergone alterations since it left Ireland. As to all the partial improvements which had been spoken of by noble lords, he would ask them whether, in the present temper of the people of that country, those improvements had been of the slightest practical good? In conclusion, he declared that he would support the motion in the hope of producing some good effect.

The Earl of *Liverpool* said, it was impossible for him to avoid stating, in a few words, the grounds on which he should object to the motion of the noble duke; particularly as he had been so pointedly alluded to in the course of the debate. The motion was not a motion for inquiry merely. It commenced by expressing a regret, in which every one must agree, at the strong measures which were rendered necessary for the safety of Ireland; but it also expressed the noble duke's sentiments as to what the government of Ireland had been. He would admit, that every noble lord who thought there had been a systematic defect in the government of that country, would be fully warranted in voting for the motion of the noble duke. But he should deny the position of the noble duke. He would admit that evils existed. He did not deny the expediency of seeking for some remedy; but he denied the cause to which those evils were attributed, and he could not accede to all the measures proposed for their relief. It had been truly said that the whole of the late reign had been one succession of acts of beneficence. That much had been done for Ireland, and that she was now reaping the benefit of it, no man in his senses could deny. It had been said, that all which had been done was a mere act of justice. He acknowledged that whatever benefits a government conferred on a country, could only be termed acts of justice; but he would say, that with respect to many of those acts, that that had been done for Ireland, which would not have been done for England. He was therefore justified in saying, that since the Union they had been in the constant habit of legislating for the benefit of Ireland. Allusion had been made to the pledge that was given last year by his majesty's government; but, could any man be so absurd as to suppose that the measures which he had then spoken of could operate instantaneously as by magic? Certainly, time was essential to their full and perfect operation. The attention of the government had been anxiously directed, however, to every practicable correction of those evils, and the measures which had either been carried into effect, or were now in progress, embraced four great points—a new system of police, a reform of the magistracy, and of the general administration of justice, the commutation of tithes, and a new system for the distilleries. All these objects had been in a great degree matured by the government. The police system had been carried into effect in several counties in Ireland, and was in progress in others. The reform of the magistracy had commenced, and was in a course of progress; and the other two measures had been submitted to the consideration of parliament. The system for the composition of tithes had been characterised as imperfect; but it was necessary to establish the principle before the details could be perfected. The question of tithes involved difficulties in the details, which could only be reconciled by the union of all parties in the principles of justice. A portion of the clergy might be opposed to the principle of the measure, but he believed that the great body of the parochial clergy were disposed to second the efforts of the government. The pledge of the government had been fulfilled in the introduction of the measures to which he had alluded. With respect to the participation of the Roman Catholics of Ireland in those rights and privileges to which they were by law entitled, the fullest and most distinct instructions had been given by the government of this country to the authorities in Ireland, that they should be equally and impartially admitted to those rights and privileges. He believed that the offices to which they were legally admissible, were fairly distributed among the Catholics of Ireland. In several of the revenue boards, Roman Catholics were admitted; and in one of them a Roman Catholic gentleman was deputy chairman of the board. He mentioned this fact to show that the government did not act upon any principle of exclusion. There might, indeed, be an apparent inequality in the distribution of offices among Catholics and Protestants, but when it was considered, that forty-nine fiftieths of the property of Ireland were in the hands of Protestants, and when the inferior education of the Catholics was taken into consideration, that which at first appeared to be an inequality, would be found to be no inequality at all. Catholics and Protestants were admitted for the most part, indifferently, to the privilege of sitting on grand juries; and the duties of the magistracy were discharged by Catholics and Protestants on the same bench. He believed, most conscientiously, that the Catholics of Ireland were impartially admitted to all the benefits which they were legally capable of enjoying. The noble marquis had not himself thrown out a single suggestion with a view to improving the state of Ireland, except perhaps one observation as to the expediency of lowering the duties on law proceedings. With respect to the administration of justice, no instance of the intentional perversion of justice had been brought forward; still less any instance of such perversion in which the government could be charged with concurring. He denied that there was any combination in Ireland against the government or the institutions of the country. Amidst all the disturbances which had taken place in Limerick last year, he had good authority for saying, that if the king had appeared in Limerick at that time, he would have been received with as much enthusiasm as he had been in Dublin. It was not a combination against the government, but against property in general, whether in the hands of Protestants or Catholics; and he believed that the exasperation of the people of Ireland against Catholic proprietors was, in many instances, even greater than against Protestant proprietors. In Connaught, the disturbances had arisen from the unwillingness of the people to pay dues to their own priests, and, in many other parts of Ireland, the feeling was as strong against their own priests as against the Protestant clergy. Some of the calamities of Ireland were, undoubtedly, attributable to the great extent to which absenteeship was carried—an evil which it must be admitted had been increased by the Union. But, while he was ready to admit that this, and perhaps some other inconveniences had arisen from the Union, the was satisfied that Ireland had, upon the whole, derived great benefit from that measure. The great object, in which all parties ought to unite, should be, to infuse into Ireland English notions and English feelings, to approximate a better feeling between the higher and the lower orders; for he must repeat, that the evil arose from a disunion between the rich and the poor, and not from a disunion between the governor and the governed. That disunion had, indeed, produced greater evils than the most tyrannical government could have inflicted—evils which could only be mitigated by promoting a better feeling between the two classes of society. The generality of the noble duke's motion defeated itself with regard to any practical purpose, and the whole debate had, in fact, resolved itself into a discussion of the question of the few remaining restrictions on the Roman Catholics of Ireland. The principle upon which the present lord-lieutenant had acted, in the government of Ireland, had been ludicrously termed a trimming principle; but he (lord L.) maintained that to be the only just principle of government, which held the balance between the Catholic and the Protestant, and which admitted both to an equal participation in those privileges to which they were legally entitled.

The Bishop of *Kildare* defended the parochial incumbents of Ireland from some aspersions which had been cast on them, and maintained that they had uniformly discharged their duty in the promotion of parochial schools within their different districts.

The Earl of *Carnarvon* strongly urged the necessity of entering upon an immediate inquiry into the state of Ireland. He had been surprised to hear the noble earl opposite talk of the boons which the government had granted to the Irish nation. Now, if the distresses of Ireland had arisen from causes unconnected with the government of that country, any measure of amelioration might not improperly be called a boon; but, when the evils complained of were the result of misgovernment alone, it was barely an act of justice to remedy them. He was convinced, that if the motion were not carried, no inquiry would take place on the part of government. The state of Ireland seemed to be too appalling for the contemplation of ministers. They shrank from the inquiry, and wished to let all the horrors which were connected with the subject remain, if possible, undisclosed. By agreeing to the motion of his noble friend, the House would, he was persuaded, do more good than could be effected by all the measures which had been promised by ministers.

The House divided, for the original motion; Contents 43; Proxies 16—59. Not-contents, 66; Proxies 39—105. Majority against the motion, 46.

List of the Minority.

DUKES.
Somerset
Devonshire
Grafton
Leinster
MARQUIS
Lansdown
EARLS
Darlington
Rosslyn
Roseberry
Lauderdale
Grosvenor
Carnarvon
Donoughmore
Gosford
Caledon
Tankerville
Cork
Jersey
Ilchester
Fitzwilliam
Essex
Darnley
Clare
Thanet
Cowper
Grey
Breadalbane
Denbigh
VISCOUNTS
Clifden
Anson
LORDS
Belhaven
Gwydir
King
Cawdor
Lynedock
Alvanley
Auckland
Saye-and-Sele
Foley
Holland
Dacre
Ellenborough.
Bolton
Calthorpe

Proxies.

DUKE
Bedford
MARQUIS
Downshire
EARLS.
Waldegrave
Albemarle
Charlemont
Besborough
Fortescue
Spencer
Minto
Derby
VISCOUNTS
Bolingbroke
Duncan
LORDS
Yarborough
Crewe
Dundas
Suffield

HOUSE OF COMMONS.

Thursday, June 19.

REFORM OF PARLIAMENT — PETITION FROM NEWCASTLE-UPON-TYNE.] Mr. *James* said, he had a Petition to present from 3,107 inhabitants of Newcastle-upon-Tyne, comprising many respectable tradesmen, but for the most part the mechanics and artisans, on whom in case of need, the country depended for defence, complaining that they were excluded from the share to which men were naturally entitled in the representation, and were therefore in a state of slavery. He wished he had seen the hon. member for Bramber (Mr. Wilberforce) in his place, as he would have made him a fair offer. He (Mr. J.) was one of those unfortunate persons who inherited property in the West Indies, and he would willingly bargain to use his utmost endeavours to promote the abolition of the slavery of the blacks, if the hon. member would use the same exertions to abolish the slavery of the whites. What was a slave but he who was obliged to give up his will to the will of others? And, when a thousandth part of the population was at liberty to rob the rest, to shut them up in dungeons if they complained, to cut them down when they assembled to remonstrate, what were the majority but slaves? In this free country, as it was called, the slave was allowed to go out of his own house in the morning, but he was waylaid in the evening, and half his earnings were taken from him. The exciseman arrived with penalties, instead of cart whips, taxed him on the soap with which he washed the sweat from his weary brow, and the salt with which he savoured his frugal meal. By heaven! if the black slave were to change with the white one, the exchange would not be to his benefit. The petitioners, enumerating the evils they had suffered from the want of equal representation, particularized the suspensions of the Habeas Corpus act, the restraints on the liberty of the press, the funding system, which taxed children yet unborn, the Bank restriction act, and the confiscation act, commonly called Peel's bill. The petitioners prayed for universal suffrage, annual parliaments, and votes by ballot as the only means of national relief; in all which he (Mr. J.) fully concurred.

Sir *I. Coffin* expressed his belief that the hon. member and the petitioners, were labouring under mental delusion. He did not know where the distress and misery of which they talked existed. For his own part, he never saw in any other country so many fat, sleek, well-clad, and contented looking people as he saw in England.

Mr. *James* observed, that the individuals whom the gallant admiral had seen, and whom he represented to be so fat and sleak in condition, must be individuals who lived on the taxes.

Ordered to lie on the table.

PETITION OF MR. BUTT, COMPLAINING OF HIS CONFINEMENT.] Mr. *Hobhouse* seeing the attorney-general in his place, took the opportunity of presenting a petition, to which he had already called the attention of his majesty's law officers. The petition came from Mr. R. G. Butt, whose case he should proceed to state as briefly as possible. It would be in the recollection of the House, that Mr. Butt brought actions of false imprisonment against sir N. Conant and Mr. Newman, the keeper of Newgate, having been imprisoned before a bill of indictment was found against him, and that the Jury returned a verdict in his favour with 1*s.* damages. The case was afterwards argued before the four Judges of the court of Common Pleas, who laid down for law a doctrine which he believed to be utterly illegal, and in this opinion he was supported by the authority of lord Camden. The consequence of this decision was, that the costs of the actions amounting to 155*l.* in that against sir N. Conant, and to 93*l.* in that against Mr. Newman, were thrown upon Mr. Butt. The hard part of the case, however, was, that when the friends of Mr. Butt waited upon the defendants to pay the money, the defendants stated, that they could not receive it, for that the Treasury had paid all their expenses. It was to this part of the case that he was anxious to direct the attention of the House; for he maintained, that the Treasury could not legally pay the expenses of any individual in a law-suit, and by that means become the creditor in place of the original creditor. Sir N. Conant having declared that he could not receive the money without subjecting himself to an action for fraud, as he had already been paid by the Treasury. Mr. Butt applied to the keeper of Newgate, who also declined receiving the money on the same ground. Mr. Butt then applied to the Treasury, and was told that he did not stand as debtor upon their books; upon which he made an application to Mr. Justice Richardson, who recommended him to move the court of Common Pleas. After a learned argument from Mr. Serjeant Vaughan, the rule to show cause was refused. Mr. Butt next applied to lord Sidmouth through Mr. Sheriff Parkins, and lord Sidmouth said that Mr. Butt was not confined under any Crown process, and that he could not interfere. An application to Mr. Sheriff Waithman was equally unsuccessful; for that gentleman, after having consulted his solicitor, was unable to point out any means by which Mr. Butt could obtain his release. Mr. Butt next petitioned both Houses of Parliament; and from parliament he obtained the usual relief—that was to say, no relief at all. At the time of the Coronation, when all the king's debtors were discharged, Mr. Butt expected that he should be included: but an exception was made against him, and he was not released. At length, both the defendants died, and Mr. Butt then applied to young Mr. Conant, who stated distinctly, that though the action was defended by his late father, the expenses were paid by the Treasury, and it was to that board, therefore, that Mr. Butt was indebted for the costs of the action. Here was a direct avowal that the Treasury had interfered in this action, and employed the public money to support a justice of the peace, against whom the action was brought. Another application having been made by Mr. Butt to the Treasury, he was told, that if he chose to take the benefit of the Insolvent Debtors' act, they would take no steps to prevent him. He would ask whether this fact did not furnish a convincing proof that the Treasury considered themselves the creditors? What right, he would ask, had the Treasury to pay the money in behalf of sir N. Conant? Their interference was a direct violation of the statute against maintenance; an offence, defined by Mr. Justice Blackstone, to be, the intermeddling in a suit, by furnishing money or other assistance to either party to prosecute or defend it. The Treasury at length consented to the discharge of Mr. Butt, after this unfortunate gentleman had been confined 26 months and 14 days, for a debt which he had offered to pay.

The *Solicitor-General.*—He did not offer to pay it.

Mr. *Hobhouse* resumed. The solicitor-general denied, in a manner not the most courteous, that Mr. Butt had offered to pay the debt. He (Mr. H.) took the liberty to say that he had offered to pay it: but, whether he had or had not was immaterial to the main question. The main question was, the legality of the transaction; and he believed that even the learned solicitor with all the modest assurance which belonged to him, would not venture to stand up in his place, and assert that the Treasury could legally make itself the creditor of an individual, by paying the expenses of a private suit. He had letters showing that Columbian bonds were offered in payment of the debt, at a time when the value of those securities was not impeached. He had felt it his duty to state this case at some length, that the House might mark its sense of the transaction, and prevent its recurrence; for, if the government could buy up individual debts, such a power might be grossly abused, and the public money might be applied to purposes of injustice and oppression.

The *Solicitor-General* said, that since the hon. member had mentioned the case on a former day, he had brought the correspondence between Mr. Butt and the Treasury, day after day in his pocket, which, he believed, would have satisfied the House that the Treasury had acted with the greatest moderation and forbearance towards Mr. Butt. To day he had not brought down the letters in question, but he would state the nature of the transaction to the House. Mr. Butt, after having been convicted in the court of King's-bench, published a most offensive libel upon lord Ellenborough and the marquis of Londonderry, which he caused to be placarded in all parts of the town. The secretary of state sent to sir N. Conant, desiring him to take measures to prevent the continuance of this nuisance. Sir N. Conant accordingly issued a warrant for the apprehension of Mr. Butt, and upon his refusal to give bail, Mr. Butt was committed to Newgate. Mr. Butt having been advised that the whole transaction was illegal, brought actions against sir N. Conant and Mr. Newman, the keeper of Newgate, in the court of Common Pleas, in order to try the legality of the warrant. The case was conducted on the part of sir N. Conant, not by the Treasury, but by sir N. Conant himself and his own solicitor. A special verdict was found, and a special case reserved, in consequence of the great importance of the question, involving, as it did, the legality of another transaction which had been much discussed in that House—he alluded to the well-known circular of lord Sidmouth. The case was elaborately argued in the court of Common Pleas, and the court, after much consideration, were of opinion, that the warrant was legal, and judgment consequently passed against Mr. Butt. As Mr. Butt could not pay the costs, which amounted to 500*l.* the secretary of state (thinking it extremely hard that they should fall upon sir N. Conant and Mr. Newman) wrote to the Treasury, requesting that they might be reimbursed. He would put it to the House whether there was any thing irregular or improper in this transaction? The hon. member had said, that Mr. Butt had offered to pay the costs to sir N. Conant. If the hon. member knew, of his own knowledge, that such an offer had been made, he could not, of course, say that it was not so; but he had made every inquiry, and the result certainly was, that no such offer had ever been made. Mr. Butt had offered a warrant of attorney to the lords of the Treasury, as a security for the debt; and the result of this application was, that the Treasury had declined the warrant of attorney, and granted his discharge without any condition. So far was Mr. Butt from having any just ground of complaint against the Treasury, that, in a letter addressed to the lords of the Treasury, he had expressed great gratitude for their moderation and forbearance.

Mr. *Denman* could not understand how the Treasury had a right to apply the public money to the buying up of the debts of an individual, and thereby to keep him in prison at their pleasure. He trusted that a proceeding like the present would not be repeated; as it gave to the government an unlimited power of oppression.

Mr. *Hobhouse* denied that the solicitor-general had taken the edge off the case. One point only he had made clear; and that was that the law had been violated; for he had not ventured to maintain that the Treasury had a right to pay the expenses of a private law-suit. He begged the House to consider what an engine of oppression such a power might become, if, when magistrates committed any act of injustice and oppression, the government could defend them out of the public purse. It was merely to say, that sir N. Conant and not the Treasury had defended the action in question. The learned solicitor had talked of the moderation and forbearance of the Treasury. Those qualities belonged only to the just exercise of power, but the Treasury had no just power. They had acted under an usurped authority. It was absurd, therefore, to talk of their moderation and forbearance.

The *Attorney General* repeated the statement of the solicitor-general, and contended that the conduct of the Treasury was neither unjust nor illegal, in remunerating sir N. Conant for expenses which he had incurred, at the instance of government, and which the court of Common Pleas had declared to be perfectly legal. He must be permitted to state, that he thought the opinion of the court of Common Pleas, on the legality of holding persons to bail for libel, was quite as likely to be correct as that of the hon. member for Westminster, much as he valued himself on his legal knowledge. For his own part, he did not believe that Mr. Butt had ever been in a condition to pay the costs. If he had tendered the money to sir N. Conant, and that individual had refused to receive it, he ought to have immediately moved the court upon the subject.

Mr. *Hobhouse* said, he had founded his opinion of its being illegal to hold individuals to bail on charges of libel, upon the authority of lord Camden; and trusted that the House would not attach too much weight to the counter decision of the court of Common Pleas, when he informed them, that in that court, for the first time since the Revolution, a judge had ventured to stand up for the character of the Judges who had tried the Seven Bishops, and to state, as Mr. Justice Park had done, that lord Camden had, in particular, pressed too hard upon the character of that wretch, Mr. Justice Allybone. He understood well what was meant by the sneer of the learned attorney-general; but he would tell him, that he did not think the opinion of the law-officers of the Crown, on a point where the liberty of the subject was concerned, to be worth that! [Snapping his fingers]. Every body knew for what purpose they were sent into that House; every body knew out of what wood it was that an attorney and solicitor-general were hacked. *Ex quovis ligno fit Mercurius.* It was not to be endured that they should turn out of their course to taunt the unlearned with ignorance of law, at the same time that they did not show any willingness to enlighten their darkness. If an unexperienced layman complained of any grievance which he conceived to have been offered to any of the king's subjects, it was the duty of the attorney and solicitor-general to show him, if they could, that he was mistaken in his opinion: not to taunt him with his ignorance of the subject. In the present case, nothing had dropped from the regular defenders of regular abuses, that at all went to establish the legality of the conduct of the Treasury. It had been stated, that their conduct was fair and proper; and much had been said about the hardship it would be on sir N. Conant to allow him to be a loser; but not once had it been stated that they had acted legally. No. He defied the hon. and learned gentlemen opposite to the proof upon that point; "and let me tell them," continued Mr. H., "that I am confident I am right in this instance, because I am opposed to them. At the same time, I think it only fair to state, that my opinion rests, not upon any confidence in myself, but upon my distrust of them; and that I am not so much certain that I am in the right, as I have a tolerable assurance that they are in the wrong."

Ordered to lie on the table.

MIDDLESEX COUNTY COURT.] Mr. *Lennard* moved, "That a Select Committee be appointed to take into consideration the returns made to this House on the 24th of January 1821, from the county court of the county of Middlesex; and to report to this House whether the fees paid may not be diminished, and whether it may not be expedient for the county clerk to sit oftener in each week in the hundred of Ossulston, and to increase the number of sittings in the other hundreds where the court now sits."

Mr. *Curwen* objected to the motion, and maintained that not the slightest imputation could rest upon the barrister who, with so much ability, presided over the county court of Middlesex.

Mr. *Grey Bennet* was of opinion, that a committee could not be better employed that in inquiring into the establishment of this court, and whether it could not be improved and the salaries diminished.

The House divided: Ayes 18. Noes 44.

List of the Minority.

Benyon, B.
Browne, D.
Calcraft, J.
Duncannon, visc.
Grattan, J.
Hobhouse, J. C.
Hume, J.
Leycester, R.
Monck, T. B.
Martin, J.
Nugent, lord
Palmer, C. F.
Ricardo, D.
Robarts, A. W.
Robarts, G.
Rice, T. S.
Taylor, M. A.
Western, C. C.

TELLERS.

Lennard, T. B.
Bennet, H. G.

PROMOTIONS IN THE NAVY.] Mr. *Hume* said, that the motion, of which he had given notice, was a very important one, and he hoped that the motives which had induced him to bring it forward would not be misunderstood. It was not with British seamen that he would find fault: these he had always held in the highest estimation, and he hoped that nothing would occur to alter that good opinion of them. But he had no hesitation in saying, that since the commencement of the peace, the admiralty had not used those powers with which they were vested, in the way that appeared to be most useful, either in promoting the interests of the country or the honour of the navy. He denied the most distant intention of casting any reflection upon the navy itself. That navy had been, and it always ought to be, the honour and glory of the country; and he hoped that the country would never forget, or fail to acknowledge, their gallant deeds. He looked upon the navy as the most important branch of our national defence: to it the country owed all its honour and glory; for the trophies of the army had been always the consequence of the triumphs of the navy. He held the characters of naval officers in the highest respect. He coupled with their names all that was gallant and manly; and he trusted that they would not look upon the present motion as in any way directed against them. He could have no feeling of hostility for such men. Nay, on the other hand, he wished to be considered their best friend. He wished that those who had really fought the battles of their country should get the honour and the reward due for such services. The conduct of the admiralty since the war had given great dissatisfaction; not only to the country, but to the officers of the navy themselves. Old and brave men, who had seen a great deal of service, and whose service and hardships in war entitled them to honour, had not met with that attention and reward which their merits deserved; for many officers who had entered the service long after the war, had been promoted over their heads. Now, he would contend, that if any thing was more degrading than another, or more hurtful to the feelings of a veteran officer, whether of the navy or the army, it was to see a junior, with perhaps no claim but family connection, put over his head—to see a youth removed and put over a man who had been his instructor and his commandant; nay, to see this very young man put in command over him, and raised two or three steps above him, sometimes in the very ship where he had served. If he (Mr. H.) were correct, in the instances he should state, they were an abuse of power on the part of the admiralty. If he was not correct in these, he should be very ready, on sufficient explanation and proof, to admit his error. The first fault he had to find with the admiralty was, that they had not, in time of peace, employed those officers, who, from the extent and importance of their services in war, had a fair claim for employment, but had employed young men in their stead; and not only in this, but they had failed also to give them their due share of the promotion which had taken place. From this it appeared, at least the people would be very apt to say, that they kept up the large establishment, and continued the promotions in the navy, not for the good of the country, but for the advantage of young men belonging to certain families. This ought not to be the case; the rewards of the navy, paid as they were out of the public money, ought not to be given to young and inexperienced men; but to those whose services had been of use to their country. He wished to see the British navy in the high commanding attitude it had assumed until of late years; and he had no hesitation in stating, that many old and able officers entertained great doubts, whether the course now pursued would furnish officers in time of need, capable of maintaining the power and honour of the country. On these accounts he did not hesitate to say, that the admiralty were not taking the proper course, that they had not employed the proper means for continuing to the navy that character, and consequent power, which it ought always to hold. If these charges were not supported by facts, they would of course fall to the ground, and he should be ready to withdraw his motion. But, entertaining these opinions, he would not do his duty, if he had not brought forward that motion.

If the expense of the navy had been necessarily great during the war, the public had a right to expect, that, with the termination of the war, the expense of the war would have ceased. He was ready, very ready to admit that the half-pay of the navy must, after so long and extensive a war, be large, and he was convinced that there was not a man in the country, however much he might blame the want of economy in the government in other respects, but was of the same opinion. There was no disposition in the people to withhold a due reward for services: but it was only to those, however, who had really served their country, that the reward should be given. The finance committee had, in their report of 1816-17, calculated that the half-pay would decrease rapidly in time of peace: and it was the duty of the House to attend to the suggestions of that committee. At the close of the war, there was a large list of between 5,000 or 6,000 naval officers; and it was reasonably calculated that, from the long and hard services to which many of them had been exposed, the expense of that department would be rapidly decreased. If the expectations which were then held out were not realized, the House had a right to inquire into the causes. In order to show that this had not been the case, he would point out what had been our situation in 1793; at the end of the war in 1816; and now, as to the number of officers—the number, at the close of the war, was necessarily large, on account of the great number of ships that had been in commission. In 1793, the number of officers stood as follows:—

Admirals	10
Vice-Admirals	19
Rear-Admirals	19
Captains	444
Commanders	160
Lieutenants	1409
Making a total of	2061 Officers.

In the year 1816, the numbers were,

Admirals	67
Vice-Admirals	68
Rear-Admirals	75
Captains	850
Commanders	803
Lieutenants	3994
Making a total of	5857 Officers.

Now the estimate held out was, that these would be annually reduced about 3 or 4 per cent, and that thus, in the 7 years which had elapsed since 1816, there would have been a reduction of nearly one-third. He would take it, however, at a fourth or a fifth. But instead of that proportion of reduction, there had not been a diminution of 1 per cent. The numbers on the list now were:—

Admirals	59
Vice-Admirals	64
Rear-Admirals	70

Captains	829
Commanders	814
Lieutenants	3720
Making a total of	5556 Officers.

which was a reduction only of about 310, instead of being between 900 and 1,000. From 1816 to 1823, there had been 965 steps of promotion, including 513 first commissions. He would not object to the 44 post-captains who had been raised to admirals, or the admirals who had been promoted, for he felt convinced, that they had all served for 23 or 24 years, and of these there had been only a few promoted. There had been no fewer than 513 promotions of midshipmen to be lieutenants, although at the close of the war, there were 3,994 lieutenants in the service; and the object of thus promoting so many midshipmen was stated to be, to bring into the service all those who were deserving,—to bring in all those who had claims for service. This was so far well if it could be proved to have been the case; but it would require some better reasons than he knew to justify the large addition that had been made, of men who had no claims from service. Within the last 7 years, the higher promotions were as follows:—222 lieutenants had been raised to the rank of masters, and 125 masters and commanders posted. Such an increase in a period of peace, after the hopes that had been held out of reduction in the numbers, was not consistent. The country has been disappointed; but if promotions were to be made, they should have comprehended old and valuable officers, whose services entitled them to the preference. It was necessary here to anticipate an objection that had been made on a former occasion, and would most probably be re-introduced in the present discussion. It would be said, that these promotions were made on foreign service—that the admiralty had no direct interference with them—that they were essential to the well-being of the service, and were altogether free from that official influence and interest to which he (Mr. H.) was so decidedly averse. To meet this argument, he would state the extent to which promotions, exclusive of the admiralty authority, had really taken place; for he had moved, with a view to such exposition, for a return in detail of the officers who had been promoted by officers in command abroad within the last seven years. A reference to these documents would best explain the facts, and give the best refutation to their statement. He found that the number of promotions necessarily made by deaths and dismissals for the last seven years abroad, was, commanders 5, post-captains 6, lieutenants 45. That was the whole of the casualties on foreign service, and the extent of the patronage of admirals abroad; but there was another class of officers promoted, namely, those by flag-officers on striking their flag. As each command continued for three years, the opportunity, according to the custom of the service, was afforded of making, on the 13 flag stations, 13 commanders and 13 lieutenants. Making, then, the due allowance for the casualties by death and dismissal, and the flag promotions, the number of lieutenants promoted by the admiralty amounted to 432; of commanders, 180; and of post-captains, 120. It might be said, that such as were promoted on foreign service were out of the influence of the admiralty. The fact was not so; for with the exception of the cases mentioned, the promotions abroad were just as much under admiralty influence as those which took place in London: a list was forwarded by the admiralty to the commanding officer of each station, containing the names of officers who were sent out for promotion, and on a vacancy taking place by invaliding the first of that list, for the time being, the commanding officer must of necessity promote, subject to the approbation at home.

He thought the admiralty was bound to show why such an increase in promotion had, under the circumstances of the country, taken place in these 7 years of profound peace. The misfortune was, that our number of naval officers was not necessarily proportioned to our number of vessels. In every other branch of service—in the army, for example—the power of promotion was limited to the number of regiments, and the vacancies that occurred. If there were ten regiments, it was impossible to promote a greater number of officers than the complement prescribed to these ten regiments required. A very contrary course existed in the administration of the naval service. Though there were only 300 ships of every rate (the 6 rates), it was at the discretion of the admiralty, at least in modern practice, to appoint as many commanders and captains as they chose. The House was called upon, in his judgment, to affix some limits to a discretion which he had shown to have been so grossly abused, and hereafter likely to be improperly and expensively exercised. He would take the list of ships employed and in ordinary in 1823. He would allow the proper number of officers to every ship in the navy, in ordinary and afloat—he would officer the vessels upon the most liberal scale; he would allow 8 lieutenants to a first rate, 7 to a second, 6 to a third, 5 to a fourth, and so on. Over and above this, he would allow 50 lieutenants for guard and receiving ships—he would officer every vessel that could swim; and to do all this he would require only 244 captains, 147 commanders, and 1,538 lieutenants; whilst, at present, we had near 850 captains, more than 800 commanders, and 3,720 lieutenants; being a surplus, as regarded the lieutenants, of near 2,200.

He was bound to say that he had received from the admiralty every facility for his present motion; he still, however, contended, that they held a dangerous discretion, and he thought the calculation he had just made, proved that that discretion should be limited. Passing by the effect on the officers superceded, let the House look at the expense—the mere cost—which these useless promotions had entailed upon the country. In the year 1816, the whole amount of the navy half-pay, including superannuations and pensions, had been 1,137,308*l.*, and the estimate of the present year was 1,079,536*l.*; being a decrease of 57,772*l.* in the seven years of peace to meet all those hopes of rapid reduction held out by the committee of finance in 1816-7. In fact, the expense of the promotions of the last seven years, allowing for the differences of pay, had amounted to more than 78,000*l.* a year. If we compared the number of ships in the six rates in the service in 1793, it would be found, that they were nearly as many as in 1816, although there were only 2,061 officers in the former year, and 5,868 in the latter. Was any promotion, he would ask, requisite with such a number of officers in the service? Let us see what had been the conduct of the admiralty after the American war. In the six years from 1784 to 1789, there had only been 160 promotions in the navy, whilst, in the six years from 1816 to 1821, there had been 797 promotions. With so many more officers in the service in 1816, than in 1784, how could this be defended?

And now he would consider the propriety of the promotions; that was, the discretion with which officers had been selected for promotion—a point of far more interest to the nation than the expense of their half pay. In such an inquiry it was not fair to dwell upon particular instances; and he believed that his list of cases, as it was pretty extensive, would also be found tolerably impartial. First, he had a list of 40 post-captains, who had been lieutenants at the close of the war, and had, consequently, gained two steps in time of peace—one step, he (Mr. H.) submitted, would have been quite sufficient for all their services performed. The gentleman at the head of the list, captain Fanshawe, was a lieutenant in 1813, and had been promoted as commander in 1815, passing over the heads of 2,610 lieutenants, and made post in 1816, over the heads of 770 commanders. The next was Houstoun Stewart, who was placed over the heads of 630 commanders, and who was posted on the 10th June, 1817. The third he should mention was the hon. G. Perceval, who had passed over the heads of 2,700 lieutenants, of 685 commanders, and been posted on the 7th Dec. 1818. The next was the hon. G. Gambier, who passed over the heads of 3,280 lieutenants, of 745 commanders, and posted the 4th of June, 1821. He begged the attention of the House more particularly to the two next cases; namely, that of lord H. F. Thynne, and the hon. F. Spencer. Lord H. F. Thynne was made a lieutenant the 27th Nov. 1817; a commander, in June, 1821, having passed over the heads of 3,588 lieutenants, and been posted in July, 1822, having passed over the heads of 755 commanders. And it should be remarked, that lord H. F. Thynne had never served one day as a commander. The hon. F. Spencer was appointed a lieutenant the 14th July, 1818; made a commander, in March, 1821, having passed over the heads of 3,642 lieutenants; he was posted in August, 1822, having passed over the heads of 749 commanders. Captain Spencer was, he believed, promoted abroad; that was, according to the system of accommodation often so improperly practised of creating a vacancy when required, by getting the senior officers invalided. Against such a system, where a certificate of ill health, was often given, where it was well known, there was no ill health, the House was bound to set its face. The hon. member went on with a large list of instances, in which officers had been needlessly promoted to the rank of captain since the peace, and unfairly promoted, as regarded the claims of their fellows. He gave particular examples of supersession, in the case of captain Gambier of the Dauntless, who had been a midshipman at the close of the war, and whose first lieutenant, Mr. S. Jervois, was an elder lieutenant by five years than himself; the case of captain Maclean, of the Blossom, whose first lieutenant, W. G. Agar, had been 17 years a lieutenant; and the case of captain, the hon. F. Spencer, now commanding the Creole, and having two lieutenants under him, Mr. T. Phipps and Mr. W. Robertson, both of them lieutenants for years before their captain had gone to sea. Let the lords of the admiralty consider the mischief which these unfair promotions did to the service. Let them look at the four officers—lord Thynne, and Messrs. Spencer, Gambier, and Maclean, who had received three promotions—lieutenants, commanders, and post-captains, since the peace—and judge of the feelings of the old and meritorious officers over whose heads those gentlemen had passed. The others of the 40 cases which he had selected were of the same description, in all of them great supersession, though in different degrees.

There were, also, 51 commanders, who had obtained two commissions since April 1814, and who were promoted over the heads of hundreds of their seniors. Some of them superseded 3,600 lieutenants, and all of them upwards of 2,200!!! [hear]. He stated these facts from documents with which, in conformity with the order of that House, the admiralty had laid upon the table. He had no reason to complain of any reluctance on their part to furnish the returns for his motion. It was one in which the public interest was much excited, and they had acted wisely in affording the information asked for. He had no party feelings on the subject—he had no personal objects through disappointment to gratify; as he had not a relation connected with the Navy. (An hon. friend near him suggested, that if he had such a connexion, he would not probably take his present course [a laugh].) He felt that it would make no difference with him, and it was known to his friends, that he had done so in another branch of the service where he had a relation.

He next came to the employment of officers, a point of considerable importance when coupled with that of promotion. If the rule for promotion upon any extraordinary occasion—the rule, for instance, observed at his Majesty's Coronation, had been to select officers according to their seniority in the service, he should have been content. But the seniority which had led to promotion in that instance, turned out to be seniority as to employment in the time of peace, and not as to employment in the time of war. When it was stated by the admiralty, in answer to officers applications, that attention would be paid in all the coronation promotions, to seniority and service, lieutenants of 10 or 17 years standing, and the greater part of that time a service in war, had naturally expected to be made commanders. But the admiralty afterwards said,—"You shall be selected with reference to the length of your service during the peace, and not according to your service during the war." Whether that rule was just or not he did not now inquire, but supposing the admiralty to have previously made up their minds, that they would promote at the Coronation those officers whose length of employment during the peace was greatest, how easy was it for them, by previous arrangement of that peace employment, to place the claim for promotion in whomsoever they pleased. He was aware that family and parliamentary interest might be expected to have a certain weight; but, looking back to the list which he held in his hand of 51 lieutenants made commanders, he could not but think that the effect of that influence was much too great. As a specimen of the promotion at the Coronation, he referred to the list of commanders then made post captains. They were—

	Date of Commission as Commander.		Officers passed over.	Sea Service. in peace.
J. Gore............	May,	1808	125	3 ys. 3 mths.
J. C. Carpenter	April,	1809	137	1 — 4 —
R. Hockings ...	April,	1809	137	1 —10 —
G. B. Allen......	July,	1809	144	2 — 3 —
J. Cod	May,	1810	158	4 — 0 —
R. L. Colson ...	June,	1810	166	4 — 3 —
Edw. Lloyd......	May,	1811	194	2 —11 —
J. Gedge	Sept.	1811	211	4 — 8 —
B. M. Kelly......	Nov.	1811	213	2 —10 —
H. F. Jauncey ...	Feb.	1812	216	4 — 3 —

These were the promotions of the Coronation, made over the heads of highly deserving officers who had been wounded in the service. He should mention some of the names of these neglected men:—

	Date of Commission.
George Luke	June 23, 1794
George Robinson	Nov. 5, 1794
J. Johnson	April 27, 1801
J. Douglas	April 29, 1802
James Grant	Jan. 12, 1805
W. J. Hughes	Sept. 25, 1806
Wm. Coote	May 6, 1807
B. Warburton	Dec. 16, 1807
H. C. Thompson	Aug. 29, 1808
C. Beacroft	Oct. 3, 1809
H. N. Rowe	May 2, 1810
T. L. R. Laugharne	Feb. 12, 1811
J. H. Garrety	May 3, 1811

He would ask again, if such a system was not calculated to discourage every man who served his country, much more those who had bled in her service; and who naturally looked forward to some of the distinctions of their professions?

Again, with respect to the employment, he had made out a list of the 57 commanders, the total number now employed in the navy. Five were employed upon survey; but of the remaining 52, how many would the House suppose were old officers who had served in time of war; and how many of them officers made since the peace? Half and half, as regarded the numbers, would perhaps be the general idea. No such thing. Of the 52 commanders now employed, of whom he spoke, 6 only had been made before the year 1813—that was during the active period of the war; all the rest had been promoted subsequent to the year 1814 in time of peace.—Was not such proceedings calculated to discourage and to disgust officers even the most attached to the naval service, and eventually to impair and destroy its efficiency? It might be said, as it had already been said, that the old officers did not wish to be employed. He would meet that argument, if it was used, by saying that he knew to the contrary. He had made out a list of 98 lieutenants (now serving under new-made captains), older sailors and better entitled to promotion by their services than the men who commanded them. Every one of that number had been upwards of 10 years lieutenants, and some upwards of 20 years—From that number of old officers the promotions might have been made! In looking to the advancement and employment of officers who had seen long service, it occurred to him that many of the midshipmen who had served during the war were placed in a very hard situation. After the promotion of 1,000 midshipmen, in 1814, which was to meet all claim for services in time of war of that class, it had been said, indeed, that no further promotions were to take place; but still there had been an understanding, that such midshipmen as should still continue in the service, would have the chance of advancement in preference to new claimants. This promise, however, as far as it could be called a promise, had not been fulfilled in good faith. On the 1st of January, 1816, there were 1,509 passed midshipmen, and of that number only 188 had been up to this date, promoted to be lieutenants, and 163 of those who were in the service in 1816, still remained in the service as midshipmen! He had found on board the flag ship at Portsmouth in the month of March, of the present year, 10 midshipmen whose united periods of service amounted to no less than 142 years [Hear, hear.] Every one of these were young men of exemplary character; and the cases of some of them were well known to many members of the House. One had been fifteen years in the service, and he was happy to learn this day, that he was about to be employed in the Isis. He trusted he was at length in the way of promotion. The next on the list, Mr. H. S. Burmston had been also 15 years a midshipman. His claims were numerous. He had been in several actions; had distinguished himself at Algiers; had been thanked for meritorious services by the king of Holland; and had received a medal from the Humane Society, for having saved a seaman from drowning. He had no acquaintance or connexion with any of them; but having accidentally learned the singular fact of such a number of midshipmen of such long standing, having been on board one ship, he felt extremely solicitous to be informed of the particular history of each, which he then had in his hand, but would not take up the time of the House in stating more of them. If such was the illustration which one ship gave, as to the hardship of the old midshipmen, what must be the state of the case when the whole service was taken into account. He hoped, however, that in charity such an example was not very common. Turning from the meritorious, but the neglected, to the fortunate young men, he found the names of 10 midshipmen promoted to be lieutenants immediately after they had served their time; and whose united service as midshipmen did not amount to 60 years, including the time at the Naval College, and those, all years of service, during the peace. Amongst these 10 midshipmen so promoted, was the name of one Mr. Purvis, whose name was not yet published in the Navy List. That practice, he believed, was a recent but not uncommon one. With the view of keeping secret such promotions, an interval of 3 months took place between the promotion and the period of making it known to the public. It came within his knowledge, that an officer had received the communication of his promotion in December, while no insertion of it was made in the official list until the April following. There were three of these midshipmen promoted, on the ground of having attended the king to Scotland. One of these, however, (Mr. Seymour) did not accompany the king, though that was the reason assigned for his promotion. He should not trouble the House with giving the names of all the other numerous fortunate midshipmen, who, in time of peace had been promoted nearly as soon as they had passed their time; but there were some names which he felt it his duty to mention, viz:—Hope Johnstone, hon. G. Ryder, Henry Dundas, Chas. J. Hope Johnstone, W. F. Martin, A. Fitzclarence, hon. R. S. Dundas, G. J. Hope Johnstone (three promotions in one family rather a little too much), H. M. Blackwood, Chas. Talbot, Wm. Pitt Canning, E. Wodehouse, H. B. Martin, &c. &c. Did not the whole of these arrangements shew overwhelming influence? Did they not prove that a man's interest had more share than his length of service, or his merits, in his advancement? Let this be admitted to him—and to deny it would hardly be possible—and, as to argument, he should be satisfied; he had done sufficient, if he had proved to the House, that the public was put to great expense, by the promotion of young and inexperienced men of family, whilst young men of highly meritorious and long public services were neglected [Hear]. Promotion—and he would maintain the fact to be so—was as unfairly as it was extravagantly distributed. If it were yielded to him that these promotions took place chiefly by interest and not by merit; he asked no more, *that* was all he wished at present to substantiate. He left the conclusion to every hon. member, whether the satisfaction of the officers, and the good of the service were likely to be promoted by such a system, particularly when the House was informed that there were at this moment employed afloat 98 lieutenants of from 10 to 23 years service, serving under captains, the majority of whom never served in time of war.

He then complained, that the admiralty who considered promotions necessary did not act on the same principle towards the royal marines and pursers. He believed there was no man who knew the royal marines, but would concur in praise of their services, as not inferior to that of naval officers; and yet, what was the treatment the marine officers met with? The royal marine corps in January, 1816, consisted of 6,949 officers and men. It was now 8,494; making an increase of 1,545 men in seven years. The navy had not been increased, and yet the number of promotions of officers in the marines, which had been increased, bore no proportion to those in the navy. The promotion of lieutenants, captains, and majors together only amounted to 37 steps in the 7 years of peace.—There had been 5 first commissions; 11 lieutenants made captains; 11 captains majors; 10 majors to lieutenant-colonels; in all 37 steps among nearly 1,000 officers—while there had been 960 steps in the navy, and only 400 or 500 officers employed at one time.—The disproportion and injustice were here manifest. The question was, why this difference existed? It was clear that the promotions in the navy and marine service were not sanctioned by any principle of equal justice. And the true reason was, that the marines had no connections in that House; they had no borough influence, they were not supported by an alliance with great families, and therefore their chances of promotion were so very few [hear!]. It ought not to be forgot that the very distinguished loyalty of the royal marines, induced the government to change their facings to royal blue? The case of the marines supported completely his charge of influence. The number of marine officers brought from half pay in 6 years had been 210, and only *five* new commissions had been given. In the navy 513 new commissions had been given! The fair principle of promotion which he contended ought to be adopted in the navy, had been recognized by a regulation which had been passed with respect to pursers in 1814, in which it was ordered, "that with the view of preventing the improvident and unnecessary increase of pursers, no person should be warranted for that situation until the number should be reduced to the number of ships on the list of the royal navy, exclusive of the ships building." It was his (Mr. Hume's) opinion, that some such rule should be laid down relative to the officers of the navy, that there might be no more officers than would be sufficient to officer all the ships that we had either afloat, in ordinary, or building.—A proof of the advantage of that regulation was, that in 1816, there were 950 pursers, and there had been, in consequence of the regulation alluded to, but sixteen promotions of pursers in seven years, and these had been made chiefly on foreign service; there were now only 747 pursers, so that the number was at present reduced 203 below that of 1816; and if the sixteen promotions abroad were deducted, it would make 219 actual decrease in the 7 years—That circumstance showed that a proper regulation for stopping unnecessary promotion had produced the best effect in two branches, the marine officers and pursers, and the same rule ought in justice to the public to be acted on with naval officers. On all these grounds he thought the House was bound to institute an inquiry—He concluded by moving the following resolutions:—

1. "That it appears, by returns to this House, that there were 3,994 lieutenants, 813 commanders, and 851 post-captains, on the list of the royal navy, in January 1816, and that, notwithstanding so great a number of officers on the list, there has been, between 1st January 1816 and the 8th of January 1823, an additional number of 860 promotions (exclusive of post-captains to be admirals), viz. of 513 midshipmen to be lieutenants, of 222 lieutenants to be commanders, and of 125 commanders to be post-captains: and that although peace has existed for seven years, there were on the 8th January 1823, 3,720 lieutenants, 814 commanders, and, 829 post-captains on the list of the royal navy; a number more than sufficient to officer a fleet of twice the number of ships of every description in the british navy, if they were all at sea at the same time.

2 "That there are 814 commanders on the list of the royal navy, and 57 of them now on full pay, of whom only 7 were promoted during the last ten years of active warfare (from 1803 to 1813), and 50 who have been promoted since June 1814, the termination of the war in Europe.

3 "That many of the promotions have been made in the royal navy without due regard either to the length of service, to the merit of the midshipmen and officers, or to the efficiency and advantage of the navy, and that the expense of the half-pay of the officers of the navy, necessarily great after a long war, has been thereby greatly and unnecessarily increased to the country.

4 "That there were 6,949 officers and men in the corps of royal marines in January 1816, and 8,494 in January 1823, being an increase of that corps of 1,545 men and officers in seven years; but there were only 5 first commissions granted, and 32 promotions to higher rank, in that period.

5 "That there were 950 pursers on the list of the royal navy in January 1816, and 747 in January 1823, showing a decrease of 203 in the seven years, exclusive of 16 pursers added to the list in that time.

6 "That an humble address be therefore presented to his majesty, that he will be graciously pleased to direct an inquiry to be made into the manner in which the right hon. the lords of the admiralty have exercised their power, both as regards the placing on full pay those officers already on the list, and the promotion of the several officers to higher rank in the navy, since the peace in 1815."

Sir *G. Cockburn* said, that the hon. member, while he stated himself to be a friend to the navy, had advocated principles which would be destructive to the service which he affected to uphold. He was sure that any one who had paid attention to the means by which the glory of the British navy had been achieved, would be convinced that the principles laid down by the hon. member would, if they had been acted upon hitherto, never have allowed it to have attained its present high and splendid pre-eminence. The hon. member had set out with high-sounding calculations, but the number of abuses which he had been able to allege was very small. He had laid great stress on the numbers promoted by interest and family connexions; but he (sir G. C.) considered it of great moment that persons of rank and importance in the country should be induced to enter the service. When persons, born to every advantage that society could afford, chose to abandon the comforts of which they were in possession, to fag with others upon the seas, in the service of their country, they were entitled to peculiar consideration. He allowed that a quantum of promotion ought always to be assigned exclusively to merit; but he was convinced the country would not grumble at the elevation of a certain number of men of that class to which the country must look for its safety, and the House for its defence. He believed neither the navy nor the public could be at all angry to see such men get forward. He would allude to the case of lord Henry Frederick Thynne, which was one of those upon which the imputation of the hon. member had been thrown. The fact, however, was, that his name stood at the bottom of a list of seven officers who were made because they were oldest commanders on stations abroad, thus, seven were promoted for merit to one for interest. But, even in respect of the promotions for interest, there was a law which prescribed what service an officer should have undergone; and, if he were the king's son, it was necessary that he should perform it. That law required, that he should be six years a midshipman before he could be promoted. And surely, when a person of rank gave up the comforts of life, and consented to fag for six years, he had earned his commission, when given him, with fairness. But the young nobleman to whom he alluded had served some time as a lieutenant in the Mediterranean.—[Here Mr. Hume asked what ship?]—He did not then recollect the name of the ship, but he had also been a lieutenant in the Albion, and sir J. Gordon had honourably reported his services to the admiralty. He had also volunteered in a ten-gun brig to South America, and it did so happen that a junior officer was put over his head; yet this young nobleman made no complaint, but conducted himself in a manner that clearly entitled him to the promotion which he had received. As to the charge which had been made of that officer having been sent out to take the command of a vessel in the East Indies, which had not been launched, it was true it had not been launched before he set out, but it was expected to be launched before he arrived. With respect to the case of the hon. Frederick Spencer, upon which was grounded another complaint of parliamentary influence, it should be recollected, that his connections acted with the opposition. How, therefore, could that have been a case of parliamentary influence? The hon. member seemed to be of opinion, that with the end of the war, there ought to have been generally an end of promotion. But what did he think that such a war which was eminently a naval war, could have closed without leaving great claims upon the gratitude of the country? Those claims were indeed constantly diminishing on account of vacancies by death, and by those who left the service; and if some young men were not brought in, what would become of the navy in the event of a new war?—The hon. member had found fault with the coronation promotion. But what was the fact? There were no midshipmen promoted then, but such as had passed in 1813, and the oldest commander on every station was promoted; the youngest of whom was made either in 1811 or 1812. The lieutenants who were selected were those who had been employed for the last eight years. There was an immense number, indeed, employed during the war; but many of those had since entered into other service, or gone out in merchant vessels. Therefore, the admiralty had picked out for promotion all who had been employed for the last eight years, as being within their reach. There was no favour. The oldest had been made in 1794, and the youngest, he believed, in 1806. He could inform the hon. member, that there had once been a promotion on his principle. It was a jubilee promotion, in which the oldest officers were taken according to seniority; and he considered it a foolish promotion. The first lieutenants of flag-ships were generally the best officers, picked out by the admirals; and it sometimes happened that admirals had an inclination to keep them out of their promotion too long. They were consequently fit subjects of promotion. As to the gross numbers to which the hon. member had referred, he had unfairly stated them. When he found fault with the number of promotions since 1814, it should be remembered that there had been fought since that period a certain battle of Algiers, which attached to it extensive claims. Many claims had also arisen out of the coast blockade, in the counties of Sussex and Kent. Officers employed on that station frequently risked their lives, by dashing into the waves to save shipwrecked mariners. It would not be denied that such men deserved promotion. Then there had been pirates of a most audacious character in the Red Sea;

and our officers had signalized themselves in their extirpation.—There was also slavery to be put down on the coast of Africa; and our officers showed their zeal for its extinction, by dashing up rivers, and attacking sometimes five times their own number: and, were not such men deserving of promotion, when covered with glory, and suffering from wounds? Such services had swelled the list of promotion, and swelled it proudly—and the admiralty was glad of it.—The hon. member had alluded to three persons of the name of Johnston Hope. But the fact was, sir W. Johnston Hope had not made one of them. One of them had been made after he had pulled down his flag, and the others had been made in virtue of an old promise given by sir Home Popham.—He then adverted to the case of another officer, who had been promoted when a reduced lord of the admiralty was requested by lord Melville, from a sense of his services, to name an officer for promotion; and he did name the officer in question. As to the invalids, the hon. member had thrown out an unjustifiable imputation, by speaking of an invaliding job, to make promotions. Would he have officers who became sick in the African and West-India stations, be cruelly kept there to die? The admirals were only allowed to fill up vacancies occasioned by death or court-martial; they had therefore no interest in having officers invalided. No officer could, in fact, be invalided, until three captains and a surgeon declared it necessary for his health that he should return home; and any captain who connived was liable to be cashiered. When he returned he was examined at the admiralty, by two of the chief medical officers of the board. Could this be a job? The unhealthy climates of Africa and the West Indies caused a great increase of invalids; and, when the hon. member spoke of the small number of deaths, he did not take into account the number of those who died after having been invalided. As to the promotion of captain Gambier, it happened by his being in the East Indies when his captain died. The hon. member had objected, that the promotion in the marines was not commensurate with that in the navy. The reason was, that the promotion in the marines was according to that favourite practice which he wished to introduce into the navy; namely, the rising by seniority. The marines were not placed in the same situation as naval officers, for it was quite necessary to put a captain into a ship at the moment of a vacancy; but it was not so with the marines. The principle followed in the navy was, that every third vacancy should be filled by a young person; otherwise there would be no persons in the service who were not of 40 or 50 years standing. With respect to pursers, the regulation which the hon. member quoted was found to be so inconvenient, that the admiralty was obliged to apply to the king in council to have it repealed. For the reasons which he had given, he was confident the House would go along with him in believing, that nothing more than a proper and becoming attention had been paid to the claims of the naval officers of noble and distinguished families, at the same time that the meritorious services of others had not been overlooked [Hear, hear.] He would therefore give the third resolution a direct negative, and meet the rest with the previous question.

Sir *Byam Martin* defended the principle of promotion adopted in the navy. He asserted it to be unconnected with parliamentary influence, and said, that out of seven promotions which had taken place in one batch, two only, were the friends of persons who supported the present administration.

Sir *Isaac Coffin* contended, that the system of promotion at present pursued was much superior to the old one, and adverted to the condition of the fleet that sailed under commodore Byron in the American war, when there were officers on board who had not seen the salt sea for 16 or 17 years. He was convinced, that the happy mixture of different orders which composed the naval service, enabled us single-handed to fight the world.

Mr. *F. Palmer* thought it right that, in such a case as the present, some attention ought to be paid to public opinion. Whether officers were promoted on parliamentary influence or were not, an inquiry ought to be instituted.

Captain *Gordon* vindicated the promotion of midshipmen as being indispensably necessary for the good of the service.

Mr. *Grey Bennet* said, that the only grounds of promotion ought to be merit and standing in the service; and on this ground he was at issue with those who advocated the existing system. The gallant admiral near him had compared the present times with the American war, and derived great consolation, as to the conduct of the admiralty, from the comparison. Had the question been agitated during the American war, the reference would then have been to the battle of the Hogue. If at the time of the battle of the Hogue, something worse would have alleged, as to the fleet which watched the Spanish Armada. He thought we were but too apt to praise our own times at the expense of those long past.

Mr. Secretary *Canning* said, he had always thought, that the reverse of the hon. gentleman's proposition was the one which was most generally accepted; namely, that we were disposed to extol past times at the expense of the present. He was of opinion, that the case of the hon. mover had been most triumphantly met by his hon. and gallant friend near him. So ably had his hon. and gallant friend justified the principle of selection adopted by the admiralty, that what had been charged as abuse, had turned out to be merit. He considered the question to be resolved into this—whether promotion should go by seniority altogether, or whether a portion of it should be left open to discretion? He contended that the statement of the hon. member had not at all borne out the case which he had pledged himself to establish. With regard to the present state of the navy, he believed that very little difference of opinion existed. He thought that the present plan of the service was the best which could be devised to preserve the glory of the navy in time of war, and to maintain it in peace; and that it was in perfect analogy with the mixed principles of the British constitution.

Sir *F. Ommanney* arose amidst loud cries of "question!" mixed with symptoms of disapprobation. We understood him to suggest to the lords of the admiralty the propriety of advancing officers in the navy according to seniority. He particularly recommended to their lordships' consideration that valuable class of officers, who acted as masters and masters mates. He wished to know from the gallant admiral near him, how many masters had been promoted since the war? He felt deeply upon this question, as his own father had been greatly ill-used, and exposed to the most galling and heart-breaking neglect. He trusted that the government of the country would afford protection to those brave officers who had served their country to the brink of the grave, and not allow them in their latter years to be trodden down like reptiles. The hon. member concluded by moving, by way of an amendment, an address to his majesty, the substance of which was, that while the House of Commons were fully satisfied that the lords of the admiralty discharged the trust reposed in them with fidelity, integrity, and judgment, they felt it necessary to call upon his majesty to take into consideration the propriety of doing away with the practice of making senior captains rear-admirals, with the view of superannuating them; and further to recommend that senior captains should be allowed to pass on regularly to the rank of flag-officers.

The amendment not being seconded, fell of course to the ground.

Mr. *Hume* said, he should not delay the House with many observations, as he had, in reality, little to answer. What he contended for had been admitted by the gallant admiral (sir G. Cockburn), and declared by the right hon. gentleman (Mr. Canning) to be a most triumphant answer to the charges made; namely, that promotion in the navy was given to branches of noble families and to parliamentary interest; "that it was to that class the country must look for its safety and the House its defence." He refused his assent to that principle, as a new and dangerous one, and contended that merit and length of service were the principles on which promotion in the navy had, in better times, been made, and had raised the navy to its late pre-eminence; and it was on officers so promoted that the country could best rely in the hour of danger. Were not lords St. Vincent, Exmouth, Duncan, Nelson, &c. examples? If every man of family who chose to enter the navy were, agreeably to the gallant officer's declaration, to be intitled to promotion, on his simply passing the number of years required by the service, he trembled for the British navy at no distant period, and he protested against such proceedings.—It had been asserted confidently, that a large portion of the promotions had been given to merit, and part only to parliamentary and family interest: in one instance, six to one. But whilst he agreed in the propriety of joining those claims, he contended, that the examination of the navy list would show, that merit and length of service had got but a very small share of the employment or promotion since the peace. It was most unquestionable, that advantage would be derived to the navy by mixing men of family and interest with other officers as long as they could meet on an equality: but, if promotion and commands should be given to those of family and parliamentary influence, so as to dishearten and disgust the officers of long and meritorious service, he contended that the ruin of the service must ensue. He believed, from the testimony of many able officers, that it had already by these means commenced, and, if so, it was time to arrest its progress. The long lists of forty, fifty, and ninety officers of different ranks, which he had produced to the House, remained substantially correct. An attempt had been made to explain the case of lord H. F. Thynne, as one of rank for seven of merit on the foreign-station list for promotion, as if that had taken place by chance, omitting altogether, to answer the charge made by him (Mr. Hume), that the admiralty sent out whatever persons they chose for promotion, and make such arrangements by change of stations and by invaliding, that those they sent out were certain to obtain the intended promotion. These promotions appeared to superficial observers, to be by chance; but it was well known to every naval officer how that was invariably arranged by previous admiralty orders. The gallant admiral had given credit to lord H. F. Thynne for volunteering to go out in a 10 gun brig under a junior officer: it was well known he was sent out for promotion; and when it was uncontradicted that he superseded 3,588 lieutenants when he was made a commander, how many lieutenants must the officer who had been his junior as lieutenant, and who commanded the brig, have superseded? He would inform the House, he believed the person alluded to, was the hon. F. Spencer, who had, when made a commander, superced a 3,642 lieutenants [Hear, hear!]. That admission aggravated the charge in his opinion. It might be true, that the families in opposition to the government also received their share of the promotions, but did that admission do away his charge of family influence, or lessen the evil to the service and the country? Certainly not. The government ought to make a stand against such influence, from which ever side of the House it came: and the best interests of the navy required them to do so.—He had proved, by a list of fifty-two, all the commanders now employed (except those on surveys) that only six of that number were old officers; and, as the admiralty would not employ a greater number of of old officers whilst they restricted the claims for promotion at the coronation to those who had served in the last eight years, it was quite evident that the admission completely established the charge he had made—the chances of promotion to the old officers was as six to forty-six.—It had been stated, in rather too highly coloured language, that the Kent and coast blockade were irresistible claims to promotions in the navy; but, for his part, whilst he doubted the advantage of that system to the navy, he did not think that any of the noble families had owed their promotions to that service.—There were fair claims for services at Algiers, in the Red Sea, on the coast of Africa, and in cases of shipwreck, which he would not object to; but he contended that these claims had been mainly neglected, and that far the greater number of promotions had taken place on other grounds; and when he considered the very lame and unsatisfactory answer respecting the royal marine officers and the pursers of the navy, he thought his case was fully substantiated, and he should take the sense of the House on the propriety of an inquiry into the conduct of the Admiralty.

The previous question was then put on the first, second, fourth, fifth, and sixth resolutions and negatived. On the third resolution, the House divided: Ayes 32; Noes 153.

List of the Minority.

Aubrey, sir J.
Bernal, R.
Bright, H.
Barrett, S. M.
Coke, T. W. jun.
Creevey, T.
Denman, T.
Foley, John
Griffith, J. W.
Hobhouse, J. C.
James, W.
Jervoise, G. P.
Kennedy, T. F.
Lennard, T. B.
Lambton, J. G.
Maxwell, J.
Monck, J. B.
Noel, sir G.
Nugent, lord
Palmer, C. F.
Pryse, Pryse
Robarts, col.
Ricardo, D.
Stuart, W.
Sefton, lord
Smith, J.
Taylor, M. A.
Webb, E.
Williams, J.
White, L.
Wood, M.
Whitbread, S. C.

TELLERS.

Hume, J.
Bennet, H. G.

Jurors Qualification Bill.] Mr. *Western* said, that he rose to submit to the House a motion which involved, in its consequences, matters of very great importance. The object of it, as his notice indicated, went to an alteration in the Constitution of Juries, in so far at least as related to the qualification (by possession of property) of those who may be called upon to perform the important functions of a juror.

The hon. member said, he hoped the House would not be alarmed at the idea of touching the frame and constitution of juries. He was fully of opinion, that the measure he contemplated demanded their most deliberate attention; but still it was such as, he felt confident they would sanction; and which he thought, indeed, had only failed of adoption ere then from pure inadvertence to the great alteration of circumstances which time had induced. His object was, in fact, simply to render persons possessed of *personal* property to a given amount, as well as *real*, eligible, that was to say, qualified, and liable to serve as jurors. And when he reflected upon the vast amount and proportion of personal property in this kingdom which had grown up in latter times, and the character and situations in life of the multitude possessing that species of property, and that alone, he thought the House would feel with him that it was surprising that they had not yet been called out to the service of their country as jurors. From the earliest period of history, it would be found that a juror was required to possess a certain amount of property as proof of some respectability and station in life and a consequent security to the party to be tried. The accused person had accordingly a right to challenge a juror, if he did not so possess an adequate amount. It was, indeed, one if not the chief ground of direct challenge; Blackstone, after reciting the four principal grounds of challenge to the jury given by Sir Edward Coke, propter honoris respectum, defectum, affectum, and delictum, says," but the principal is, deficiency of estate sufficient to qualify him to be a juror." A variety of statutes consequently at various periods of our history are to be found, under which the requisite qualifications have been described. By the 13th of Edward the 1st, jurors must be persons that can dispend 20*s*. by the year at the least; which was increased to 40*s*. by the 21st of Edward the 1st, and 2nd of Henry the 5th. The 27th of Elizabeth enacts, that every juror shall have an estate of freehold to the annual value of 4*l*. at least. But the value of money decreasing, this qualification was raised, by the 16th and 17th of Charles 2nd to 20*l*. per annum. This was a temporary act, and suffered to expire. The 4th and 5th of William and Mary fixed it at 10*l*. per annum in England, and 6*l*. in Wales, of freehold or copyhold lands; which is the first time copyholders, as such, were admitted to serve on juries in any of the king's courts of Westminster; and then by the 3rd Geo. 2nd any leaseholder of 500 years absolute, or on life or lives of the clear yearly value of 20*l*. above the rent reserved, is qualified to serve on juries.

This attention shown by the legislature to the qualification of a juror, is a proof of the importance which has been felt at all times to their possession of some property, and it was as distant as possible from his (Mr. W's.) intention, to derogate in the least degree from the wisdom of our ancestors; on this point, he contended, on the contrary, that in calling out jurors from the extensive class now excluded, we should more effectually accomplish the real object —that of having responsible and intelligent persons to serve the office. Neither was it any impeachment of the expediency of formerly confining the qualifications to the possession of real property. In former times, every body who had any rank above the *lowest* class, was an owner of land of some amount, and the possession of land was therefore an indispensable voucher for his responsibility. The case was wonderously different now, in this country, where the possessors of public securities had an income collectively amounting nearly to the landed rental of the kingdom, exclusive of joint-stock companies, stocks in trade &c. to an amount beyond all calculation: To continue these persons under the interdict of antient laws however wise at the time, was now as unwise as could well be conceived. The practical effect was in counties such as might be expected. Not one third of the persons who were, for all real objects, adequately qualified, were ever summoned to the execution of these most important duties. He would not say that the jurors who were summoned were inefficient or incompetent persons; but he would assert, that, in the possessors of personal property, there were three times as many not summoned as those who were, that are quite as competent in every respect, and often much more so.

Three fourths of the occupiers of land, many of the most opulent were not possessors of land to the amount of 10*l.* a year, and consequently not qualified, whilst their very labourers, possessing copyhold tenements to that amount, were known, in some instances, to have been called to the performance of what they must have felt a most expensive and onerous service.

But the absurdity of the present system was still more apparent, when we consider that in the city of London and in all cities and towns having a separate jurisdiction, personal property did constitute a qualification. By the 3rd Geo. 2nd, in the city of London, jurors shall be householders possessed of an estate real or personal of the value of 100*l.*, and 40*l.* is sufficient in other corporate jurisdictions. Upon what possible ground, then, could any body advocate the continued exclusion of the possessors of personal property from this important service of their country in counties. He should propose that the persons who shall be considered qualified by this species of property, shall also be householders and assessed to government or parochial taxes to a given amount which would serve as another test of their responsibility and a prima facie evidence of their possessing the requisite amount of personal property.—Mr. W. said, he perceived the House was impatient to proceed in the other important business before them, and he believed, he had said fully enough to induce them to acquiesce in the motion, for leave to bring in a bill "to render eligible and qualified persons possessed of a given amount of personal property to serve as jurors."

Mr. *Lester* seconded the motion.

Mr. Secretary *Peel* said, the question was of such vital importance, that he certainly should not oppose the bringing in of the bill, though he hoped the hon. member would allow ample time for its consideration. The House would recollect that last year an experiment had been made of the benefit likely to accrue from the establishment of a third assize. This had been found completely successful in the home counties, and it was most desirable that it should be extended to all. It was, however so closely bound up with the measure which the hon. member for Essex had in hand, that they ought to watch with caution how far the one was likely to impede the other.

Leave was then given to bring in the bill. It was afterwards brought in, committed, and the blanks filled up. The amount of personal property proposed was 400*l.* and the occupation of house assessed to house-duty or poor-rates in Middlesex 30*l.* per annum: in other counties 20*l.* and where assessed for land occupied 80*l.* Notice to be left at the house of persons summoned to serve, a printed schedule for constables to make returns, specifying particulars of residence and property. Nobody to be summoned turned of sixty-five years of age; and one or two other minor regulations.

Coronation Expenses.] Mr. *Hume* now rose to submit his motion on this subject. His objection, he observed, was not so much to the amount of the money expended, as to the principle of its application. A part of it, the House was aware, was paid out of the money given by France as indemnity to this country. The whole sum amongst the several allied powers was 750,000,000 of francs, of which 125,000,000 were paid as our portion. In 1816, the House were told that details would be given of the application of the sums received by this country. The House, however, did not hear of it till 1821, when the late Chanceller of the Exchequer stated, that there were 500,000*l.* of it applicable to the service of the year. That right hon. gentleman added, that he could not then state the amount of the remainder, but that whatever it might be, it would be made applicable in the same manner, and an account given of it in the next year, of which it would form part of the ways and means. The House, however, had got no further particulars of it since then. The late Chancellor of the Exchequer had distinctly stated, that the whole surplus would be applied to the service of the year; and what he (Mr. H.) complained of was, that instead of having this account given, 138,000*l.* of the sum had been applied without the knowledge and consent of parliament. This he complained of as a breach of faith with the House and the country, that the money should have been applied in this unwarrantable and unconstitutional manner; and it was the duty of the House to inquire into the case, which could not be better done than by the appointment of a committee. He had also to complain of the great excess of the expense of the coronation beyond the estimate. What was the use of an estimate, if it did not approximate, in some degree, to the sum to be expended?" They were first told that 100,000*l.* would very probably cover the whole expense, and a sum to that amount was voted by the House; but they now found, that instead of 100,000*l.*, the sum expended was not less than 238,000*l.* It was said, that the expense had been considerably increased by the delay of the coronation from 1820 to 1821. That might be; but why, in that case, was not a new estimate laid before the House in 1821? He had asked, in 1820, whether it was considered that the 100,000*l.* would be sufficient, and he was answered, that it would. Now this was unfair; for he was satisfied, that if the whole sum was mentioned to the House at first, it would have required greater persuasion than had been used to induce them to consent to it. Next, as to the application of this immense sum. He would wish to know something on the subject, and he thought the House had a right to expect it—not merely as a matter of curiosity, though that might not be out of the case, but as a matter in which they were interested as guardians of the public purse. He should wish to know, how it happened that such an expense should be incurred for robes. He should like to be informed why that bauble—the crown worn at the coronation—was kept so long at such a considerable expense to the country. He did not know whether it might not have been returned a month or two ago, but he did say, it was an unnecessary expense to have kept it so long at an increased expense. The whole of the jewels of which it was composed was about 70,000*l.*, and the retention of it had entailed an expense of 6,000*l.* or 7,000*l.* a year on the country. Why was there so much concealment on a subject which ought to have been open to the investigation of parliament? It was not creditable to ministers to use this concealment. If the expenditure had been just and unavoidable, a committee would not be objected to. The committee could investigate the whole subject in eight and forty hours. There could therefore be no objection to the appointment of it on the score of time. The hon. member concluded by moving, "That a select committee be appointed to inquire into the circumstances which occasioned, in the expenses of his majesty's coronation, an excess of expenditure of 138,238*l.* more than the estimate of 1820, and into the several items constituting that expenditure; and also, to inquire by what authority the sum of 138,238*l.* has been applied to discharge that excess without the previous sanction of this House."

The *Chancellor of the Exchequer* said, that he would not rest his objection to the committee, on any wish to conceal from the House the manner in which the sum expended on the coronation had been applied. There was no wish of that kind on the part of government: indeed, it was not imputed that any misapplication had taken place, though an imputation had been cast of a desire for concealment. With respect to the first estimate being so much less than the sum subsequently expended, he would say, that many of the services at the coronation performed by the household were abolished by Mr. Burke's bill, and no traces were left as to what the expenses of particular departments would be likely to create. They were left almost to guess in many instances; so that there could be no certainty as to the whole sum: and when in 1820, it was fixed at 100,000*l.*, it was thought that that sum would be sufficient. It should, however, be recollected, that the expense of every department was greater at the present time, than it had been sixty years ago. With respect to the crown and robes, there had been a charge which could not at first have been contemplated. The value set on the jewels of the crown was 65,000*l.*, for which 10 per cent was paid. There were, besides, other parts of the regalia for which jewels had been hired; for instance, the circlet which was always worn by the sovereign on such occasions. The one formerly in use was so much out of repair, that it was necessary to have several additional jewels added. This occasioned a considerable expense. At the coronation of George III., the jewels hired were valued at 370,000*l.* and though the per centage at which they were hired was much less than on the present occasion, yet the expense of them for one day was 15,000*l.* The delay of the coronation from 1820 to 1821 had also considerably enhanced the expense. The crown was made in 1820, in the expectation that it would have been used in that year: and the jeweller was entitled to his per centage for that year as well as for the next. This made the expense on that item double the amount anticipated. After the coronation, it was thought that the crown might be purchased to add to the royal regalia, to prevent the necessity of hiring jewels on future occasions. But government, knowing that the expense of purchasing the crown would amount to 65,000*l.*, felt that they should not be justified in purchasing it, until they knew what the whole expenses of the coronation would amount to; for if they should be greater than the calculated amount, as actually was the case, they were not willing to increase them by the purchase in question. It was only right for him to state that his majesty was strongly inclined to sacrifice a large portion of that part of of the civil list which was more immediately under his own control, for the purpose of purchasing a permanent crown, and placing it among the regalia of the kingdom. But as his majesty, with that consideration which marked every action of his life, had last year determined to give up to the wants of his people 30,000*l.* from that part of his income out of which he intended to purchase this crown, it was impossible for him to conclude the purchase, until it was previously known how far it was possible to bring the expenses of his household under the still more limited scale which it would be then necessary to adopt. It was necessary that some months should elapse before that problem could be solved; and it was not till the commencement of the present year, that it was ascertained that the royal establishment could not be conducted upon so limited an expenditure as his majesty wished. As soon as that point was ascertained, the crown was sent back; but still the expense of detaining it was incurred. If it had been found expedient to purchase this crown, and it had been detained so long in hopes that it would so be found, its price would not have been enhanced by the detention, for the jeweller was not to have more than 65,000*l.* for it. If, in the interim, it had been sent back to him, and he had kept it in the same condition as it was at the coronation, it was only natural to suppose that he would, in all probability have asked a larger sum for it, seeing that he could not make any use of or profit by the jewels which were set in it. It was sent back to him, however, as soon as it was discovered that the expense of purchasing it was too great to be defrayed out of his majesty's personal revenues. The other item on which the hon. member called for explanation was the robes. That item was certainly a great one. It amounted to 24,000*l.*; but he could assure the House that there was nothing with regard to those robes that was inconsistent with the usage of former coronations. The ceremony required that there should be two dresses of a peculiar construction; and the dresses used upon the last were in every respect similar to those used upon former occasions. He could not pretend to say whether there was or was not more fur on the last robes than on any other; neither could he pretend to decide, whether the gold lace was or was not a quarter of an inch broader than it had ever been before. He had no means of making a comparison upon such a point; and therefore he thought that the House would be little benefitted by entering into the proposed inquiry. A great part of the expense of those robes arose from the high price of ermine; but it also arose from another cause, to which he thought it necessary to allude; because, though the articles in question were properly included in these expenses they still remained in use. It was usual to purchase a new set of robes for every new sovereign to appear in on the solemn occasions of his meeting and proroguing his parliament; and those robes had generally borne some reference to those which the sovereign had worn upon his coronation. It was true that his late majesty had not ordered new robes for that purpose; but that very circumstance had rendered it necessary for his present majesty to purchase them. The robes which his majesty had worn before his coronation were nearly a century old. They were patched and stitched together in several places; and indeed were so rotten, that if any person had trod upon them, they would have fallen immediately from his majesty's shoulders. It would not, therefore, surprise the House to hear that his majesty had ordered new parliamentary robes. The expense of them was included in the item of 24,000*l.*, which had been rendered so high by the great rise of price in several of the articles which it covered. Having adverted to the two great points on which the hon. member had dilated, he would now touch upon the breach of faith with which he had charged his noble predecessor in office. His noble predecessor had certainly stated, that the amount of the expenses of the coronation would not exceed 100,000*l.*; but when the nature of the ceremony, the rarity of its occurrence, and the circumstance of there being nothing to guide his noble friend in the calculation of its expenses, were taken into consideration, no person could be surprised that the actual expenses surpassed the estimate. He would also say a few words upon the application of the French indemnity fund towards defraying these expenses—an application by which the hon. member appeared to think that ministers had been guilty of a great unconstitutional impropriety, though they had not been guilty of any actual breach of the law. He would admit, that in 1816, when the hon. member for Knaresborough made a motion for the House to dispose of this fund by its vote, without the king's direction, his noble predecessor had disclaimed the right of the king to them as a droit of the Crown. But, his noble predecessor had at the same time contended, that this money, being derivable to the Crown by a treaty with a foreign power, though not a droit of the Crown, was a fund applicable by the Crown to the public service, without the intervention of parliament. Parliament had since, by its conduct, given its sanction to that declaration of his noble friend. The money had not been applied to any individual, but to a public service. That service had been, perhaps, more expensive than suited the notions of the hon. member for Aberdeen; but, if they were to have a monarchical government, then there were certain expenses connected with the administration of that government which they could not avoid. Being convinced that no case for inquiry had been made out, he should meet the motion with a direct negative.

The House divided: Ayes, 77; Noes, 127.

List of the Minority.

Abercromby, hon. J.
Bankes, H.
Barratt, S. M.
Belgrave, vis.
Benett, John
Benyon, B.
Bernal, R.
Birch, J.
Bright, H.
Brougham, H.
Carter, J.
Clifton, vis.
Coke, T. W.
Colburne, N. R.
Creevey, T.
Denman, T.
Duncannon, vis.
Ellis, hon. G. A.
Farrand, R.
Fergusson, sir R. C.
Foley, T. H.
Grant, J. P.
Grattan, J.
Griffiths, T. W.
Gordon, R.
Heathcote, G. T.
Hobhouse, J. C.
Honywood, W. P.
James, W.
Jervoise, G. P.
King, sir J. D.
Kennedy, T. F.
Knight, R.
Lambton, J. G.
Lennard, T. B.
Leycester, R.
Leader, W.
Maberly, J.
Maberly, W. L.
Martin, J.
Maxwell, J.
Milbank, M.
Monck, J. B.
Musgrave, sir P.
Normanby, vis.
Nugent, lord
Noel, sir G.
O'Callaghan, J.
Ord, W.
Palmer, C. F.
Pares, T.
Powlett, hon. W.
Pryse, P.
Ricardo, D.
Robarts, G. J.
Robinson, sir G.
Rowley, sir W.
Russell, lord J.
Russell, lord G. W.
Scarlett, J.
Scott, J.
Smith, J.
Smith, hon. R.
Smith, W.
Stewart, W. (Tyrone)
Taylor, M. A.
Tierney, right hon. G
Titchfield, marquis of
Townshend, lord C.
Webbe, E.
Western, C. C.
Whitbread, S. C.
Whitbread, W. H.
Williams, J.
Williams, sir R.
Williams, T. P.
Wood, M.

TELLERS.

Hume, J.
Bennet, H. G.

HOUSE OF COMMONS.

Friday, June 20.

Library of the late King—British Museum.] The House having resolved itself into a committee of supply,

The *Chancellor of the Exchequer*, in submitting to the committee a vote for the erection of a new building, for the reception of his late majesty's Library, at the British Museum, observed, that he supposed the gentlemen whom he then addressed had read the report relative to the magnificent donation of his majesty. That report fully stated the reasons why his late majesty's library should be placed in the custody of those who presided over the British Museum. Though he had not, in consequence of the pressure of public business, been able constantly to attend the meetings of the committee from whom that report had emanated, he was yet satisfied, from the discussions which had taken place there, and from the concurrent feeling of all those whom he had consulted on the subject, that the most convenient situation, in every respect, for the disposition of that library, was under the roof of the British Museum. But the committee was, perhaps, aware, that the state of the British Museum was such as rendered it perfectly incapable of containing the treasure which the bounty of the sovereign had bestowed upon his people. If, therefore, the library were attached to the British Museum, it would be necessary that means should be found to provide a suitable building for its reception. The committee appeared very desirous, that the library should be deposited in the British Museum, and that it should be separated from every other part of the collections contained in the building, although the rooms in which it was placed should form a part of the general structure. The idea which prevailed in the committee was, that the new building for this library should be erected in such a manner as to form a part of a large building; it being evident to every one who looked at the British Museum, that no great time could elapse before it would be found necessary to rebuild the whole of that structure. It would, therefore, be unwise to adapt the new building to the existing architecture of the British Museum. It was intended, in consequence, that the contemplated building should be formed as part of a new plan; without aiming, on the one hand, at any ostentatious display of architectural grandeur; but taking care, on the other, that the principles of sound taste, and of simple elegance, should not be over-looked. It was proposed to erect such a building as would do honour to the rich and powerful metropolis which was the possessor of those inestimable treasures. Every lover of literature must be anxious that they should be placed in a building commensurate with their great worth and value. He was now about to call on the committee for the first vote of money for that object. He should propose a resolution for a grant of 40,000*l.* Whether that would be sufficient for the completion of the building it was impossible to say, but that was all which it was necessary to call for in the way of advance at the present moment. The right hon. gentleman then moved, "That 40,000*l.* be granted to his majesty, towards defraying the expense of buildings at the British Museum, for the reception of the Royal Library, and for providing for the officers of the establishment of the said Library, for the year 1823."

Mr. *Hobhouse* said, that in objecting to the motion, he did so with considerable diffidence, considering the superior information on this subject which was possessed by those gentlemen who formed the committee, and who had drawn up the report. Still, however, he had many and great objections to the proposition of the right hon. gentleman, which he felt himself bound to state to the committee. In the first place, he wished it to be understood, that he made no objection whatever on the score of economy. For the honour of the nation, and of those who represented it, he should be extremely glad, not only that every thing which was necessary should be granted, but he would even go to a point of superfluity, for the purpose of preserving this magnificent collection as it ought to be preserved; for it was perhaps the most splendid collection of books, on subjects of the greatest interest, that ever graced this or any other country. The report to which the right hon. gentleman had alluded was, he admitted, drawn up with considerable ability; still, however, he must observe, that it gave, comparatively, but very little information as to the value, in a mental point of view, of this copious and excellent collection. This library was designed for statesmen and politicians; and more particularly for those who wished to inform themselves on the history and constitution of this country. It abounded in geographical and topographical works. The Survey of Scotland, the Ordnance Surveys (at least so he understood), and many other maps and plans of a similar nature, were comprised in this grand collection. Generally speaking, it would be in vain to look to any other place for the mass of information, interesting to the statesman, the politician, and the scholar. They were informed by the report, that his late majesty had expended nearly 120,000*l.* or about 2,000*l.* a year out of his privy purse during a period of sixty years, in the purchase of this library. But he understood that 200,000*l.* would not now be sufficient to purchase a similar collection. It was to the immortal honour of his late majesty, that he had formed this collection without calling for any aid from government; and sorry should he be if this great country, renowned for its devotion to the arts and the liberal sciences, should be the only one in Europe where a royal library was not attached to a royal palace. Those who had seen the palace where this library was originally deposited, must admit that it was a receptacle every way worthy of such precious treasures. The octagon-room, the great room, and the remaining apartments, for there were six of them, were all of them fitted up in a style worthy of the purpose to which they were appropriated. No person could wander about those rooms, and view, even cursorily, the treasures they contained, without seeing the propriety, if possible, of retaining them in a royal residence. If those rooms were to be stripped of the treasures which they had so long contained (and he was grieved to hear that such was the intention), was there no other royal palace to which they could be removed? He did not deny that the gift to the people by his majesty was a noble one; but he must say, if he could keep that royal library where it at present was, he, as one of the people, would willingly forego his share of that gift. But if it should happen, as the rumour went, that this octagon-room was to be appropriated to a strange and a very different purpose, with what melancholy feelings would Englishmen in future times, when showing the palace, confess that the founder, George III., had designed it, first for a chapel, and secondly for a scarcely less holy purpose, the reception of this library; while, now, alas! the only books which were received in it were some stray pamphlets used for the purpose of heating a stove or warming a bath. Scarcely had the Alexandrian library shared a more lamentable fate. It was, he assured the House, rather for information than with any other intention, that he asked whether his majesty had any right to give away these books? Would he have any right to sell? He would not; and therefore he had a right to infer that he could not dispose of them in any manner. He was not certain that the library was in the nature of an heir-loom; but he thought it was. To refer to that authority so commonly quoted in the House—that of Mr. Justice Blackstone—he looked upon the library in the same light as the crown jewels, which that learned judge had said were inalienable from the person of the king; because they were necessary to support the dignity of the sovereign for the time being. If the crown, and the sceptre, and the jewels, were thus thought necessary for the maintenance of the kingly state, he considered that this noble collection of books was no less necessary, and would much more contribute to that purpose. By the provisions of the king's private-property act, it was provided, that in case no actual disposition should be made by will, all other methods of distributing the property should be void. Now, his late majesty had made no will, and therefore, if the former part of his argument had been correct, the books could not have been disposed of. The manifest intention of his late majesty was, that the library should be for ever attached to one of the royal palaces. That he had never intended to send this portion of his books to the British Museum, was evident from the magnificent donation which he made to that institution in his life-time, of pamphlets and manuscripts. If, therefore, the House was desirous to effectuate the late king's wishes, they never would sanction the removal of his books from a royal palace; and the more particularly when there was not the shadow of evidence, that his late majesty wished his books to go to the British Museum. It appeared to him, that one way of satisfying the intentions of his late majesty presented itself. If it were not asking too much of his present majesty, he thought Buckingham-house might be left open to those who chose to consult the books in that place, where they were situated to the utmost advantage. His majesty holding, as he did, only a few courts in the year at this palace, might spare some days in every week for the public to refer to those books. But, if this were too much, still the objections to the British Museum remained as strong and as numerous as before. The first intimation of this building being the intended receptacle for the books, came from lord Liverpool. The Chancellor of the Exchequer, in his announcement of the subject, had never hinted at this. It was very natural that the trustees of the British Museum should see at once that their house was of all others the best adapted to preserve the library; and without supposing they were actuated by any unworthy motives, he (Mr. H.) could easily conceive that they were earnest in their recommendations. But it should be recollected, before any disposition was made of the books, that a numerous and very valuable part of them consisted of the donations of individuals, who, when they made them, thought they were adding to a royal library, always to be preserved in a royal palace. Among others he would mention one, whom he had known, and the reputation of whose learning had spread his fame far beyond this country—Mr. Jacob Bryant. This disposition of the library to which he had been a contributor would at least defeat his intentions. What, he must be allowed to ask, had Westminster done, that, when the question of a place wherein to deposit the late king's library was agitated, it was not remembered? There was, within that important part of the metropolis, no library; or none which could be properly so called. An example had been afforded by the trustees of the British Museum, of their unfitness to be intrusted with the present collection, from the use which they had made of that complete collection from the reign of Henry II. to that of George II. which had been presented to them. This collection had been mixed up with the books which they already possessed. The admirable order in which it was arranged had been confused; and by losing its identity, the whole of the collection had lost its interest. There was no security that the same confusion would not take place in the present instance, or that the books would not lie in boxes (as many other valuable parts of the treasures of the British Museum still did) until the building intended to receive them should be completed. He could not account for the strange attachment which seemed to be shown for having these collections all under the same roof.—He now came to an objection which he considered a vital one. It was the number of duplicates, already great, and which must be necessarily increased by the addition of the king's library to that of the British Museum. It appeared that, of the 65,000 volumes, of which the latter consisted, 21,000, or one third of the whole number, would be duplicates. He had been informed that the number of duplicates would even extend to 29,000; but taking it at the lower amount, he asked, could any thing be more preposterous than this? This objection could not be got rid of by the sapient excuse suggested by the committee, that the same book might be in requisition by different gentlemen at the same time. He had never heard of such a pretence being urged; and, it was quite absurd to apply it to literature of a character so *recherché* as that which composed the library of the British Museum. It was said that this union of the two libraries would make that of the British Museum one of the most complete in Christendom; but it was well known, that in topography and geography the collection of the British Museum was not by any means complete. Would the House, then, for the mere purpose of completing this collection, condemn 12,000 valuable books, so carefully collected, to the hammer? There could be no difficulty in finding a place fit for the reception of the late king's library. The Banqueting-hall, at Whitehall, was, as to its dimensions, admirably adapted for this purpose. He understood, that for the sum of 5,000*l.* this building might be completely fitted up. But, even if it required a much larger sum, he thought this was not an occasion upon which the House ought to hesitate to incur the expense. Upon the convenience of the situation of the Banqueting-house, he felt it was unnecessary to enlarge; and to make the internal decorations agree with the beauty of the architecture, nothing could conduce more than the filling it with the rare volumes which his majesty's bounty had presented to the public. It might be said, that this building was devoted to the celebration of divine service, at which the soldiers attended, and that it was not proper to desecrate so holy an edifice. To this his reply would be simply, that it never was consecrated; but, if it had been, he could not help thinking that there would be nothing very impious in placing the royal library within those walls, in which the soldiers went to assist at the divine service once a week. If, however, these objections should prevail, he would mention the King's Mews, as a very fit and convenient place for the royal library. He was sure that this would be devoting that building to a much more constitutional purpose, than continuing it, as it was now, a barrack for soldiers. The reason why he wished to retain the collection at that end of the town, was, that at the same time a place might be provided for keeping the records of the kingdom. They were at present scattered, in twelve different places; and were exposed to casualties, from which those precious deposits ought to be guarded. He hoped, upon the present occasion, to engage the votes of gentlemen of all parties, in securing to the public the benefit of the munificence of the present, and of the good taste of the late king, and to prevent the library from being placed in a situation where not ten persons would consult it in ten years. He should conclude by moving as an Amendment, "That no portion of the public money be granted to provide a building for the reception of the late king's library, until the House be informed, whether the Royal Library could not be so placed as to be more immediately adjacent to the royal palaces; the two Houses of Parliament, and the public offices."

Sir *C. Long* said, that although he gave the hon. gentleman credit for the motives which had prompted the appeal he had just made, he must differ from him with respect to the intention of his majesty, which, he belived, was, to render a service to the public, and which it was the duty of the House to make as conformable as possible to the public convenience. The hon. gentleman, in calling the library of the British Museum, one of the most complete in Christendom, had greatly over-rated it. It was, in fact, only the fifth or sixth public library in Europe. It consisted of only 125,000 volumes, and must therefore be called almost insignificant, when compared with that of Paris, which appeared by the catalogue published last year, to contain 450,000 volumes. He would not be understood to depreciate the British Museum library, which was highly curious and interesting, but which was incomplete as a general collection. It was necessarily so; having been formed from the private collections of persons, whose object in making them had been to illustrate some favourite branch of science. Whereas, the library of his late majesty was, on the contrary, perhaps the most complete, for its extent, that had ever been formed. It was obvious, therefore, that this must be in every respect, a valuable acquisition; and he believed he was authorized in saying, that his majesty would prefer its being added to that of the British Museum. The quietest place was assuredly the best for purposes of study; but the hon. gentleman would choose the noisiest spot perhaps in London. He had never met with any one who thought that Whitehall Chapel would be a convenient place for a national library. It had, besides, been used upwards of a century for the celebration of divine service; and if it were now converted into a library, a considerable sum must in consequence be expended, in building a church for the use of the guards.

Sir *J. Mackintosh* said, there were two questions put in issue, in the vote before the House, which his hon. friend, the mover of the amendment, had not sufficiently distinguished, The first was, the union of the two libraries, and the other, the proper site of the building in which they were to be contained. The House must recollect, that the British Museum, whether the king's library should be united to that which it already contained or not, must be rebuilt; and the expense necessarily attendant upon this formed no mean point of the objections to the proposed measure. He really thought that his majesty, in the disposition of this library, was entitled to the highest credit, for removing it from a place where it must be necessarily surrounded by the pomp and glare of a palace—attractions, indeed, of a different kind from those which were calculated to invite the unpresuming student to literary investigation. Besides, to use a homely proverb, it was rather ungracious to look "a gift-horse in the mouth," and he was persuaded it was the royal wish that this fine collection should be placed in the situation best adapted for rendering it most generally advantageous. The union of this library with that at the British Museum was, for all purposes of general reference, so desirable an object, that all who knew the value of facilities for literary research, must at once concur in its obvious propriety. The advantage of one great library for general purposes was, independently of its utility, so essential for the honour and dignity of literature, that he had never before heard any doubt cast upon the value of such an accumulation. He was perfectly aware that from the nature of the British Museum, strong objections arose in consequence of its being so combustible; but all were agreed, that there must be a new building, which surely might be rendered incombustible. It was due to the greatness of this country, that it should have a national library. The one at the British Museum, did not deserve the name, and even with the addition of the king's magnificent gift, it would be rather the basis of a suitable library, than a complete collection of which they could have reason to be proud; with this great addition it would not be half the value of the royal library at Paris, the most useful and most accessible library in Europe, though, certainly, in some of its departments, less curious than the imperial collection at Vienna, and the library at the Vatican. When he looked at the state of the library at the British Museum, he must complain of the manner in which that collection had been stinted and starved by parliament: a library if curtailed of its adequate sources of supply, by a diminished endowment was deprived of the great principle of its utility; and such was the case at the British Museum. For the last five years, in consequence of the purchase of Dr. Burney's library, the grant for this establishment was only 300*l.* a year for printed books, and 50*l.* for manuscripts. Now, he had the authority of an hon. friend, one of the members for the university of Oxford (Mr. Heber), for saying, that in the department of foreign classical literature alone, 500*l.* a-year would be necessary for suitably keeping up even a private gentleman's library upon an extensive scale. The Bodleian library, which enjoyed, under the copy-right act, the same advantages as the British Museum, for the gratuitous acquirement of new English publications, had, during the last five years, expended for foreign and old books 1,600*l.* a year; and yet the national library of England was allowed only 300*l.* a year for the same purpose. The Advocates' library at Edinburgh, a private collection of a very distinguished body, although it had the same copy-right privileges, expended from 800*l.* to 1,000*l.* a year in the purchase of foreign works; and the royal French library, which had also a copy-right presentation, purchased 1,500*l.* worth of books annually. He hoped that these examples, and the knowledge that every petty state in Europe had its national library, would stimulate this country to mend her ways and to place her literature upon a footing befitting so great a nation. He lamented the determination to rebuild the great national depository upon the site of the present Museum. He knew that two great objects were to be considered upon the subject of the site of the building: namely, public accommodation, and public ornament. With respect to the first, he did not think a walk of an additional half mile would be of any material consequence; but something had been said of the necessity of a place of seclusion, for purposes of study. How this was consistent with the union of the arts and sciences in the same building, it was for others to determine. There was a wide difference between what was proper for a museum, and what was essential for a library. The latter should be protected from intrusion, otherwise the student must be exposed to interruption. Far different was the case with a museum; for that, to be really useful, must be made an alluring lounge to entice, as it were, spectators to acquire, in the easiest way, a taste for the arts. Great Russel-street was rather out of the way for such a purpose. They who wished to see the Museum must go there expressly for the purpose; it did not stand, in any public situation, inviting, by its architectural beauties, the passengers to enter. He entirely concurred in the propriety of making such an edifice externally, as well as internally, attractive. London, although the greatest, was the least ornamented, metropolis in Europe. For nearly a century this city had been without any ornamental architectural additions. The late efforts at improvement (of which he wished to speak without any disparagement) partook more of the neatness of individual taste, than of general grandeur. This was, perhaps, owing to inadequate encouragement; and upon that subject he begged to deny that the fine arts flourished under private patronage. The history of ancient Greece and modern Italy showed, that public patronage alone could secure the triumph of art. That which was calculated to excite universal attention must spring from enlarged patronage, and must consist of works interesting, not alone to individual taste, but to the general feeling of mankind. Thus it was, that in the absence of national patronage, painting had been comparatively degraded in England, and the genius of a Reynolds and a Lawrence, in a great degree, circumscribed by the prevailing demand for portrait painting. As to the improvement of architecture in the capital, there were three great causes to retard it: the first was, the distance of materials; the second, the taste of the higher classes for country life; the third, that of the middling classes for comfort, rather than display. The first was unavoidable; the second difficult to be surmounted; and the third not to be removed. With respect to the site of the building, he merely wished to say one word: the king's mews, he confessed, did not appear to him a suitable site for a public library, notwithstanding it came recommended by his hon. friend. Although it might be considered a fanciful suggestion, he (sir J. M.) thought, that if his majesty could be prevailed on to grant a portion of the ground between Hyde-park-corner, and Buckingham-house for the erection of a national library, in establishing which the country were so much indebted to his majesty's munificence, all the ends at present in view might be obtained. For the reasons he had stated, he should object to any part of a public library being built on the site of the British Museum, and would rather prefer some delay in commencing such an establishment, if that could ensure the erection of a building worthy of the noble purpose to which it was to be applied, and the great nation to which it was to belong.

Mr. *Lennard* entirely concurred in the propriety of uniting the two libraries.

Mr. *R. Colburne* was decidedly in favour of a union of the two libraries. He rejoiced to hear that they were about to lay the foundation stone of a national gallery of paintings. It was rather singular that this was the only country in Europe which did not possess such an establishment, although by far the richest in the world in that branch of the arts.

Mr. *Croker* regretted that he should be obliged to differ, however slightly, from his right hon. friend (sir C. Long), whose speech upon the present occasion was such as was to be expected from the elegant acquirements and refined taste of his right hon. friend. He (Mr. Croker) was anxious so to shape their proceedings, as, if possible, to obviate certain objections which had been started on the other side. With this view, he suggested the propriety of omitting the words which directed that the new building should be erected in that disgraceful place known by the name of the British Museum. He was most desirous that there should be erected a building worthy of the magnificent bequest of his majesty: but he could not enter into that huckster-like feeling which recommended that a part of the library should be disposed of; and the less so when he found that the trustees were at the same time applying for a grant of 40,000*l.* for the same purpose. It had been stated, that in the library of the king, containing 65,000 volumes, there were 21,000 duplicates, and therefore that that number of volumes at least might be disposed of. It was for the committee to understand what they meant by the word duplicate; for if there happened to be one edition of Virgil in one place, and another in another, surely no man could call the one a duplicate of the other. He was most anxious, not that the king's library should be sent to the British Museum, but that both libraries should be joined in some convenient and eligible building erected for the purpose. Why, in the name of God, select Montague-house as the most proper place in which to deposit so valuable a collection? There was not to be found in London (with the exception of the dirty old wooden-house at the corner of Chancery-lane, once inhabited by the celebrated Isaac Walton), a house composed of more combustible matter than Montague-house. It was, in fact, with the exception already made, the least fire-proof of any building in London. And, in the event of a fire, what would be the result? The marble statues might be dug out of the ruins, but how were they to replace those invaluable manuscripts which were there deposited, and which it would be totally impossible to replace? The whole of the building, inside and outside, was insecure. Indeed, the appearance of the stairs brought to his recollection a circumstance which occurred during the attack on Copenhagen by lord Nelson. That noble lord, during the attack, landed for the purpose of effecting an armistice. He was ushered up a magnificent staircase, curiously carved, to the royal palace. The gallant admiral paused for a moment to consider the rich panelling of wood; then, turning to sir Edward Berry, who accompanied him, observed, "Berry, this is extremely handsome, but it will burn." Now, it was hardly possible for any one to ascend the staircase of the British Museum, the beauty of which was also much insisted upon, without making precisely the same reflection. Not to do any injustice to the trustees of the Museum, however, he should mention, that one place it was at length considered expedient to render fire-proof; and accordingly a new sort of outhouse, of an incombustible fabric, was erected adjoining the Museum. In that incombustible place, for better safety, were placed—what? The manuscripts? No; but the marbles [a laugh]. The first thing they did was to place there the Townley Venus, in a circular sort of closet —a closet so small, that the Venus could hardly have found room to bathe in it, though she was being represented as about to bathe. But then they had a Piping Fawn; and this Piping Fawn, they felt themselves bound to accommodate with another closet of a square figure, about the size of the table. Then they went on to accommodate other figures in an additional parallelogram, till at last this Townley gallery was completed in the line of the British Museum. This was the taste of the trustees, and the House had heard a great deal about taste. But it was on that very score that he (Mr. C.) entreated them to pause, in order that this splendid donation might be placed in a situation that should reflect credit upon them. He considered that their tastes individually were at stake. The money might be easily raised, and as easily disposed of; but at least let them recollect what was due to themselves and to the character of the nation, in the selection they made of a depository. Let them not subject themselves to the same sort of ridicule for an abortive attempt to rival their neighbours in such a selection, which the poet who had satirized the taste of England as it prevailed in his day, seemed to imply in these lines—

"So when some cit his weak invention racks
"To dine, like peers, at Boodle's or Almack's;
"Three roasted geese salute th' astonished eyes,
"Three legs of mutton, and three butter'd pies."

To return, however, to the trustees. They, at length, imported taste from a country, which was said indeed to have been once the land of arts and sciences; they bought and imported from Egypt a head of Memnon; and, having got it safely home, they discovered that it stood rather higher than their ceiling. Then they wanted a place to hold the head, and two other huge Egyptian relics of a singular shape; so they built a double cube, which was the continuation of the aforesaid parallelogram. Unfortunately, it turned out that this head of Memnon was a dev'lish long head; insomuch that they were obliged to raise the ceiling of his closet somewhat higher; so that the roof of the closet which held the Townley Venus was of one elevation, and the roof of the closet which enclosed the Memnon's head of another. In all that he had said, he would wish the House to observe, that no doubt could exist as to the purity and disinterestedness with which the affairs of the British Museum were administered. No person could in reason doubt of the earnestness or zeal of the trustees: all that he complained of was, that that zeal had hitherto taken a rather tortuous and unsightly direction. He would submit to the House, that in regard to any proposed new building for these books, a wholesome doubt ought to be entertained about their selection of the architecture. It had been said, that this was a new era of taste in England; and he hoped the truth of the assertion would be testified in that selection. In conclusion, he would suggest that it would be better, by way of amendment, to leave out of the motion all the words which had relation to the British Museum, and make the grant of money to the king merely, to be disposed of by and with the advice of parliament.

Mr. *Bankes*, as an individual connected with the important trusts of which the management of the British Museum was the principal object, felt that a very personal attack had been made upon him—

Mr. *Croker* disclaimed any intention of making a personal attack.

Mr. *Bankes* said, that however that might be, the hon. gentleman had not been very scrupulous to adhere to facts as they now stood; and, from the total error under which he appeared to labour as to the internal arrangement of the Museum, he was apt to suppose that the hon. gentleman had not very lately visited that establishment. He had described the forms of the rooms in a manner totally at variance with the fact. First, with respect to the Townley Venus, it was placed in a kind of rotunda, which had no more resemblance to the form of their table than a circle had to a square. A second mistake of the hon. gentleman was, his description of the building said to be fitted up for the reception of Memnon's head, but which had in reality been fitted up for the reception of two curiosities, one of which was an extraordinary sarcophagus, which had been given by his majesty. Again, with respect to the staircase, which had afforded the hon. member an opportunity of lugging in the battle of Copenhagen and lord Nelson head and shoulders, he had only to say, that the joke, however apparently good, was lost; inasmuch as the staircase of the British Museum was not of wood but of stone, and was considered the handsomest thing in the metropolis, being curiously supported upon the principle of a half arch. The hon. gentleman then entered into a general defence of the conduct of the trustees, and declared his intention of opposing the amendment.

Sir *C. Long* defended the conduct of the trustees, and said that the hon. secretary of the Admiralty was completely misinformed as to what had passed in the committee.

Mr. *Bennet* complained of the want of convenience which was felt in the British Museum, and said that much money had been expended on that building to very little purpose.

Mr. *Hudson Gurney* said, he should vote with the chancellor of the exchequer.

There was immediate and pressing necessity to provide a fire-proof building for the manuscripts and documents of all sorts preserved in the Museum; and if we were to wait till the magnificent plans proposed by gentlemen could be realized, the end might be, that we should see nothing would be done. At the same time (the hon. member said), he rejoiced at so strong and universal an expression of a feeling, that the establishment should be more adequately supported; and adverted to the late negotiation with Mr. Salt for his Egyptian antiquities, in which he considered Mr. Salt had not been met by the trustees on the part of the public, with the liberality, which, in common fairness, he merited.

Mr. *Maberly* thought, that the disposition of the money which was to be expended in a new building should be placed in the hands of a committee.

Mr. *Hobhouse* rose to withdraw his motion. He would take that opportunity of observing, that his hon. and learned friend had attacked, not any thing, certainly, which he (Mr. H.) had stated, but something which he had himself advanced. Like Tom Thumb, "he made the giants first, and then he killed them." His hon. and learned friend had broached a plan which was as liable to objection as any that had been proposed from any other quarter [a laugh].

Mr. *Croker* moved as an amendment, that the words "British Museum," in the original motion, be omitted.

The committee divided; the numbers were, for the original motion 54, against it 30.

HOUSE OF COMMONS.

Monday, June 23.

BRITISH ROMAN CATHOLICS TESTS REGULATION BILL.] Lord *Nugent*, on rising to move the order of the day for the committing of this bill, said;—I trust the House will indulge me with leave to make a few observations. When I first offered to the House, the observations that occurred to me in its support, I stated that I had carefully avoided all communication with those who were principally the objects of it. I stated then, as I feel still, that I should have very much regretted the seeing them petition for any act of imperfect toleration like this. I should have very much regretted the placing them within so painful an alternative as that of choosing between, on the one hand, a high spirited disclaimer of the whole of this measure, and, on the other, the approaching you to pray to be placed upon an equality in point of privilege with those whose conditions they still feel and I think most justly, feel, to be one of grievance and indignity. It was on this conduct of mine at that time for which, if it was erroneous in judgment, they were in no respect answerable, that an argument, of some singularity at least, was founded by my hon. friend, the member for the university of Cambridge. He seemed to feel that, even if this measure were founded in policy and in justice, still the case in support of it would be incomplete, until it had been urged upon your consideration by the parties themselves. Until they had told you that what was just in itself would also be beneficial to them. Sir, I would never have proposed to them such an alternative, nor could I at the time agree with my hon. friend, who, not very consistently as I think, while he was protesting against admitting the Roman Catholics to any share of what he would term political power, would at the same time make the impression of their opinions a *sine qua non* with the House upon the question of, whether or no we should pass a law. I am the less disposed now to repent the course I in that respect adopted, because I am rather disposed to suspect that, even if I had adopted the contrary course, I should scarcely have removed any part of the real difficulty my hon. friend must always feel in supporting any measure for the relief of the Roman Catholics. Having, however, done what, on that occasion I felt to be my duty, in laying their case and the purport of my bill before you, it is some satisfaction to me to find that they do not disapprove of the conduct I have pursued. If they had I should certainly have very much regretted it. The more so because it would have subjected me to a repetition of my hon. friend's argument. But I should not on that account have altered my views nor swerved from my object. My object never was, to obtain favour from them. It was, as far as I might be enabled, to obtain justice for them. It was not to reconcile their opinions, it was to do them service; and through them allow me to say, to do service to the country, with the great body of the people of which it is my wish to reunite the Roman Catholics in privilege and in sentiment, undistinguishingly and inseparably. It is, however, satisfactory to me to find that I have not misconceived their wishes or opinions. At a meeting of the most considerable persons of their body, held since I first introduced this bill to your notice, it was resolved, that they approved of this bill, I quote their own words, as of one which, "brought under the consideration of parliament without any participation on their part, they are convinced would enable them, in the discharge of new duties, still farther to evince their zealous attachment to the institutions of their country." And now, Sir, the bill is in the hands of the House, and the House will this night determine whether it answers the objects, or whether in any respect it goes beyond the objects, to which the House the other night gave its pretty general sanction. The objects of the bill are two-fold. First, the elective franchise, and secondly, under the limitations of the act of 93 in Ireland, and under the conditions of the annual Indemnity bill, the magistracy and certain offices. The first of these provisions, the elective franchise, is by far the simpler—It resolves itself into a question of principle only. This object was met by the right hon. secretary for the home department with that candour and frankness which characterizes every part of his conduct in this House, and on which I am sure he would feel, that no compliment ought to be paid, or received. It would be impertinent, in the one sense of that phrase, to the question, and almost an impertinence, in the other sense of the phrase, to himself. He will, I trust, however, allow me to say, that these qualities in him, while they increase ten-fold the value of his support, render his opposition always much more formidable, because always much more consistent and much more respectable, when a sense of what he feels to be his public duty deprives a measure of his sanction. Even to the friends of Catholic Emancipation it is some consolation that, by him whose opposition is the most to be deplored, their wishes never fail to be encountered in a spirit of manliness, which would scorn to avail itself of any topics, or of any means which he would feel to be unworthy equally of the subject and of himself. On the subject of the offices, I wish to address myself principally to him, and to my hon. friend the member for the city of Oxford, in consequence of what fell from them on a preceding evening. They have more than once expressed themselves as attaching great value and importance to the provisions of the Test act; as considering them valuable and important securities to the Established Church. Now Sir, I do feel that any disguise on my part would be unpardonable. It would be an ill return to them for what I feel to be the spirit of candour and unreserve with which they have met me. It would be bad policy with regard to the bill itself, which, unless it can be fairly carried without any disguise of opinion or compromise of principle, I have no hesitation in saying ought never to pass. Sir, whenever the provisions of the Test act may come fairly under discussion, I should be prepared to say, that, so far from considering them to be any real security to the Established Church, I think its best security would be found in their total repeal. Because I believe that no established church can long subsist securely, or even beneficially, in a state, excepting as founded upon the affections of a great majority of the people, except also as founded in that perfect freedom and toleration with which any laws to incapacitate politically other sects are incompatible. In this feeling, and for the sake also of a body much more important in point of numbers and of political influence in the state, than the Roman Catholics, I mean the Protestant Dissenters, I cannot but look forward with eager hopes to the ultimate repeal of the Test act. I cannot consider it to be, as an honourable gentleman assumed it the other night to be, a fundamental law, because I find, from the history of the times in which it was passed, and from the contemporary authority of some who were parties to it, that it was passed for temporary objects, and that it was passed in times of great heat and violence, and popular delusion. I cannot consider it as an operative act, because I find that practically, systematically, invariably, annually, for near a century, it has been voted by a succession of Indemnity bills, that it is not by the provisions of the Test act, but *against* the provisions of the Test act, that protection can alone be afforded. Still, Sir, desirable as I may think the repeal of this law to be, I must conform my wishes to what may appear to me a practical object, and I should think myself acting most unworthily, could I attempt covertly to cancel or contravene what I am not prepared directly to attack. The right hon. gentleman, therefore, and my hon. friend, the member for the city of Oxford, will perceive, that by my bill neither of the securities of the Test act is repealed. A certain number, it is true, and a very limited number, of offices, is practically withdrawn from under the operation of *one* of the provisions of the Test act, namely, the declaration against popery. The other provision, namely, the sacramental test, still remains operative over the whole range of offices. In this view, if I render myself intelligible to the House, I wish my bill to be considered. The effect of it will be, to render the British Catholics admissible to those offices which are already open to the Irish by the bill of 93. But, in this respect, to leave them still in a condition lower in point of privilege than the Irish, that they may only hold those specified offices under the same conditions as those under which *all* offices are open to the Protestant Dissenters. Sir, with every feeling I entertain on the subject of the Test act, with every feeling I entertain on the subject of universal and perfect religious toleration, and those feelings are confirmed by every year's reflection and experience, I do feel myself, in respect of this bill, bound to the House by a pledge which it would be, if possible, more dishonourable in me to attempt to evade than even directly to violate. It has been demanded of me, why I relieve the whole magistracy of the country from the oath and declaration against popery. Sir, a considerable portion of the magistracy do not take them now. Remember they are, as well as the sacramental test, made conditions subsequent by the Test act. So that, in truth, it is now little more in practice than an exploit of purely gratuitous zeal, that makes a man, qualifying for the magistracy, volunteer to charge with idolatry four-fifths of the Christian world, and the whole Christian church for at least seven centuries before the Reformation. But, Sir, for another reason, and a pretty strong one in my mind, I have adopted this course—that my avowed object being, in respect of these offices, to place the British Catholics on the same footing with the Irish Catholics and the British Protestant Dissenters, I should defeat that object if I left the Catholic magistrate under the obligation of one oath, and all other magistrates under the obligation of another oath. For example: two gentlemen, a Protestant and a Catholic, qualify together for the magistracy; the one, we will suppose the Catholic, takes an oath, such as the wisdom of this House might provide for his case, but beginning I, *B. A.* am a Catholic; the other, being a Protestant, turns round upon his brother magistrate elect, and says, in the presence of God, and under the obligation of an oath, I declare that you are an idolator. Sir, would this be a becoming, or an useful scene to exhibit at the qualification of two persons to fill the same important office? What is the oath it is proposed to me to tender to the Catholic who qualifies? The oath called Dr. Duigenan's oath of 93? Sir, for two reasons, I never will propose such an oath. The oath begins by an absurdity in terms. It requires a man to swear that he considers himself bound by the objection of an oath. Did the mind of man ever conceive a greater practical absurdity? But it goes on to make the Catholic swear that he abhors fraud and murder. Sir, what right have we to pass upon them this cold-blooded insult? I know, the House knows, every man with whom one reasons on these matters, at least every man whom it is worth reasoning with on any matters at all, knows that the Roman Catholic abhors these doctrines with as deep an abhorrence as we do. I will not, then, enact such an oath; I will not insult the Deity by calling on his name to witness a rank and drivelling absurdity; I will not insult my fellow Christians, and fellow Englishmen, by calling on them to swear that they do not consider themselves absolved from every tie the most sacred to civilized man. If any other gentleman should attach any value to such an oath, and suggest the insertion of it, sooner than lose the whole benefit of the object I am contending for, I would, doubtless, with whatever reluctance, submit to its insertion. But it shall not be willingly on my part that such an oath shall ever find its way into a bill of mine. Sir, I was accused by an hon. member, the other night, with having changed my ground, and departed from the spirit in which I had opened my intentions on a former evening. To the judgment of the House I appeal whether I have changed my ground or not. To the hon. member I content myself with denying the fact.

With regard to the magistracy, it is perhaps known to the House that there are a few instances of Roman Catholics now acting in the commission. I know of two most respectable instances. One in Yorkshire, and one in Cumberland. In the latter county a gentleman, of one of the first families in England, who acts under the special recommendation, a recommendation highly honourable to both parties, of a noble person not generally supposed to be very favourable to what is called Catholic Emancipation, I mean the lord-lieutenant of that county, my lord Lonsdale [a laugh]. But in these instances these gentlemen act in the commission declining to take the oath and declaration, and sheltering themselves under the provisions of the annual Indemnity act. But, Sir, is the House on the whole, of opinion that the office of a magistrate is one which ought to be held under circumstances, if not of doubt, at least of mere sufferance and compromise? Remember that the office of a magistrate gives power in many cases over the property and liberty of our fellow subjects. I think the House will be of opinion that this office, so giving power over property and liberty, is one that ought not to be held under any circumstances of doubt or compromise. With regard to the act of queen Anne in Scotland, I think I need not consume the time of the House on that point. This is a bill which only relieves the Roman Catholics from certain tests and oaths, and cannot therefore affect an act which disfranchises them by name.

In some of the very lowest offices to which men are eligible, the discrepancy between the laws affecting the British Catholics and those of Ireland is felt by the former most severely. Is the House aware that not even the lowest office in the Excise can, in Great Britain, be held without qualifying by abjuring popery? The effect of this now, is most absurd and anomalous. Since the consolidation of the revenue of the two countries, Irish revenue officers may be stationed in Great Britain. What is the effect? Why, that here, in Great Britain, the Romam Catholic who received his first appointment in Ireland may act as an officer in the Excise or Customs. The British Roman Catholic attempting to qualify, at the same port, perhaps, or station, is met by a declaration disqualifying him as an idolator. Sir, there is no impression I should more deeply deplore than that admissibility to even these lowest offices is matter of small importance to the parties excluded. There cannot be a greater fallacy than the attempting to measure the grievance of disqualification by the value which we may be disposed to attach to the offices from which they are excluded. I put it to every one who hears me. To any one who is disposed to doubt that the exclusion from these smaller offices operates as a punishment, and a very severe one, I would cite a memorable and authoritative opinion given in the famous conference of the two Houses on the Occasional Conformity bill. The managers for the lords, among whom was the great lord Somers, declare, that "an honest man cannot be reduced to a more unhappy condition than to be put by law under any incapacity of serving his prince and his country. And that therefore nothing but a crime of the most detestable nature ought to put him under such a disability." "Disqualification from office," say they, "is declared by law to be the brand of gross and infamous crimes." By statute 3rd Hen. 4, it is attached exclusively to "Extortion in public offices, bribery and corruption in the purchase and sale of offices and seats in parliament, and other majora crimina." And such a man is thus, in the words still of the statute, "placed in a condition as if he were dead." Sir, under such an undeserved sentence of obloquy, under the penalty of wanton capricious exclusion from all that a free state can give to make a man proud of himself and proud of the station he holds in his country, if the spirit faints and the heart sickens, if the Roman Catholic, in the obscurity to which you doom him, feels it difficult to suppress his complaints and to suppress his aspirations after what he so justly terms emancipation, it is on account of those very feelings, those natural and laudable, and truly English feelings which should entitle him to our sympathy and confidence. Even while we are endeavouring to tame and subdue this spirit, we are feeling its protection. We are feeling its protection in the mild influence of property well administered. We are feeling its protection in the influence of character and conduct and example. We are feeling its protection, as far as our laws do not smother and keep them down, in acts of public virtue and usefulness. We derive protection and safety from a spirit such as that which breathes through every line of a resolution passed last year by the British Roman Catholics, and now again revived at a public meeting of that body. I beg the attention of the House to it as a resolution worthy a great body of English citizens assembled under the presidency of a name the most illustrious in the annals of the ancient greatness and glory of our country. I urge it upon you with the greater confidence because it prays for right and justice, not upon exclusively Roman Catholic grounds, but on the broad inclusive powerful ground of universal religious emancipation, of public liberty, and universal toleration. "Resolution passed at a general meeting of British Catholics. The duke of Norfolk, earl marshal of England, in the chair. Resolved. That firmly attached as we are to the great principles of religious freedom, without which all civil liberty is imperfect, and maintaining as we do that liberty of conscience is the inalienable right of all men, and detesting every principle or law which persecutes or deprives, on account of his religion, any person whomsoever of any right or franchise, whether enacted by Protestant or Catholic; we declare, publicly before the world, that we will continue to use every legal exertion in our power to obtain a repeal of those laws by which, for conscience sake, we are hourly degraded in society and deprived of the political privileges of the constitution." Sir I will not weaken by any words of mine the effect of such a declaration.

Sir, one of the merits of the question now before you, if I at all understand my own bill, is, that it in no respect compromises any opinion for or against the Catholic claims. I have never made it in any respect dependent upon them. At the very outset I began by separating them. To the friends, indeed, of the greater measure, to those who profess to favour the principle of complete equality of privilege among all, of whatever religious tenets, need I say any thing in support of this bill? As a question of policy, as one highly beneficial to the objects of the great measure, I have never disguised from the House that I view it. I have not disguised from the House that I brought it forward in this spirit and no other. I think it is a bill to facilitate and advance universal religious emancipation, because it is a bill to soften prejudices and to reconcile differences, by uniting men in the common service of their country. Because it is a bill to show that in England, as in every other country in the civilized world, men may worship God apart and yet serve their country together. Because, in short, it is a bill founded in policy, liberality, and justice; and because from my soul I believe that the great cause of universal religious emancipation must and will advance with the advance of the principles of policy, liberality, and justice. I say, then, reverse this legislative taint, and you advance these principles. And if you look forward to the day, which I trust and believe is not now very far distant, when every subject of these realms will stand a free man, unshackled by restrictions on account of faith, and uninsulted by religious tests, when we may all stand together in the enjoyment, as we do now in the inheritance, of these rights, then pay them now a small dividend at least of the great debt you owe them of toleration and freedom. To those who are adverse to the Catholic claims I should say, if you are resolved to pass sentence of perpetual exclusion against your Catholic fellow subjects, at least equalize their condition with each other, and be just to all, up to what are your notions of justice. Sanction, at least, your own opinion of what the law should be, by making it an impartial and an universal law. I say again, I trust this is not the spirit in which the majority in this House will vote upon this bill. I only say it is the spirit in which those adverse to the Catholic claims cannot refuse to vote for it.

You have restored the rights of property as well to the British as to the Irish Roman Catholics. Give, then, representation to property. You have redeemed them from active persecution. Give them the protection of the elective franchise. Do not continue to join in a plunder of rights which does not increase your store of franchise, but deprives, unjustly, unconstitutionally, cruelly, and capriciously, deprives, a very deserving portion of your people of their share in the general stock of representation. The idea of freedom is closely interwoven with that of privilege. If you redeem from bondage, give privilege. And, above all, do not think that in legislating for the happiness and for the affection of people born and educated in a free land the middle course of legislation is always therefore the safe one. "Quod si media via consilii caperetur, id quidem, mea sententia, ea est quæ neque amicos parat neque inimicos tollit." This country will be truly secure, it will be truly a free and an united, and therefore a happy, country, we shall justify the boast, we are so fond of making, of the universality throughout Great Britain of what we call the English spirit and character, just in proportion as we encourage and indulge those feelings which make men thirst after a participation in these common-law rights.

Mr. Secretary *Peel* said, that being friendly to the general principle of the bill, he conceived this to be the proper stage at which to offer his objections to the course taken by the noble lord. The objects of the bill were three-fold; first, the elective franchise; secondly, the qualification for certain offices; and thirdly, the qualification for a place in a corporation. With respect to the first, he had no objection whatever that the Roman Catholics of this country should be placed upon a footing with their Irish brethren in that respect: but it should be observed, that they now enjoyed the elective franchise, unless indeed one of the candidates should propose to the sheriff to put the oaths of supremacy and allegiance to the voters. For himself, he had no possible objection to the repeal of the 7th and 8th of William, by which the Catholics of England were affected. But the motion of the noble lord went to repeal the oath of supremacy in England, leaving only the sacramental tests in force; now, this was not placing the Irish and English Catholics upon the same footing, inasmuch as all persons in Ireland who filled the higher offices were obliged to take both. With respect to the oath of abjuration also, there could be no objection; as it only called upon the parties to declare that no foreign potentate or power held, or ought to hold, spiritual or temporal authority in these realms, contrary to the laws and constitution of the country. With respect to the other tests, why, he would ask, should a magistrate refuse to take the same oaths which were imposed upon the lord chancellor and the other officers of the first distinction in this country? If he might presume to advise the noble lord, he would recommend him to divide his bill into two parts, separating the clause which went to give the elective franchise from the other parts of the measure. He hoped, indeed, that the noble lord would confine himself to the principles upon which he grounded the introduction of the bill. The noble lord had been totally silent with respect to the Catholics of Scotland.

Lord *Nugent* said, it was his intention to introduce a specific clause with respect to Scotland.

Mr. *W. Bankes* opposed the bill, because he considered it as the first step to ulterior and dangerous concessions.

Mr. *Brougham* thought the hon. member for Cambridge had better reserve his objections until the bill went into a committee. He agreed with the right hon. secretary, that the bill ought to be divided into two parts, which might be effected by moving in the ordinary way an instruction to the committee for that purpose. There could be little doubt that the first part of the bill, relative to the elective franchise, would pass if it formed a separate measure. If the other part of the bill should not pass, the Catholics would have lost nothing; they would be in precisely the same state as before.

Mr. *H. Bankes* opposed the motion. The principle of extending the elective franchise formed his strong objection to the measure.

Mr. *Canning* recommended the noble lord to divide his bill into two parts. The question respecting the elective franchise would then be discussed on its own merits. He would also recommend the noble lord to confine his bill to the precise principle stated in his notice; namely, to place the English Catholics on the same footing with the Irish Roman Catholics.

Mr. *Wetherell* opposed the motion.

Lord *Nugent* rose, merely to say, that in consequence of the suggestions of the right hon. secretary of state for the home department, and feeling the value of his support, he certainly should shape his proposition in the manner that would ensure it his entire support. He (lord N.) cared but little as to the machinery by which these measures of obvious justice were to be gained, in the principle of which the right hon. gentleman had expressed his concurrence with him. Looking only to the substantial benefit to be gained by the measure, he should certainly conform himself strictly to the suggestion the right hon. gentleman had thrown out. He disliked as much as ever, the imposing any particular form of oath upon the Roman Catholics exclusively. But he did not see any great objection, if the right hon. gentleman wished it, to the making the Roman Catholics repeat, for the privilege of enjoying office, the oath which they now took, or were supposed to take, for the privilege of exemption from the penal laws. He should therefore move, "That it be an instruction to the committee to divide the bill into two bills."

The motion was agreed to, and the House resolved itself into the committee.

LOTTERY.] The House having resolved itself into a committee of Ways and Means,

The *Chancellor of the Exchequer* observed, that he had stated in an early part of the session, that it was not his intention, after its termination, to propose any thing in the nature of another lottery. He had expressly intimated, however, that he should have to bring forward a lottery proposition on the present occasion; and, remembering what was the apparent feeling of the House when he had last mentioned the subject, he trusted no objection would be taken to the resolution he had now to submit: more particularly as it was but just, that the parties principally interested in this department of the public revenue should not be taken, as it were, by surprise. He would therefore move, "That towards raising the supply granted to his majesty, the commissioners of his majesty's Treasury be authorised to contract with any person or persons for the sale of any number of tickets, to be drawn in one or more lottery or lotteries, not exceeding 60,000, at such price, and under such rules and regulations, as the said commissioners shall think proper."

Mr. *Leycester* opposed the resolution. He observed, that the chancellor of the Exchequer had endeavoured to recommend his proposition, by stating that it was the last session in which he should have to bring it forward. But why was the country to be infected with this moral pestilence for another year, seeing the misery and vice which it disseminated in every part of the kingdom.

The resolution was agreed to.

HOUSE OF COMMONS.

Tuesay, June 24.

PETITION OF THE HON. BASIL COCHRANE COMPLAINING OF THE CONDUCT OF THE VICTUALLING BOARD IN THE EXAMINATION OF HIS ACCOUNTS.] Mr. *Denman* said, he rose to present a petition from the hon. Basil Cochrane, complaining of the irregular and oppressive mode of doing business, as pursued by the Victualling Board. The petitioner stated, that he had claims on the board and he complained of cost which he had incurred to have his accounts investigated. Petitioner had written to the board, from India, forty-nine packets, containing one hundred and twenty-four letters, and he had received but one answer from the board. The petitioner stated that he came to England for the purpose of getting rid of all delays, the board having required him to produce not fewer than 9,000 duplicates of papers. Scarcely any of the originals were lost, and petitioner believed this demand to be made solely for the purpose of causing delay. Upon the examination of his accounts, the board claimed a balance of 9,129*l*., the payment of which they required in a month. Upon a further investigation, they admitted that 5,806*l*. were not due; thus reducing the balance to the sum of 2,322*l*., of which they required the peremptory payment in the space of five days. For a part of this sum the petitioner was prosecuted in the court of Exchequer. The charge made against the petitioner was for two items, one for the rate of interest on money lent; the other for the charge of one per cent commission. After a procrastination of the proceedings for four years, and the petitioner being exhausted in mind and body, he offered the board to accept an annuity of 753*l*. for eleven years, in lieu of the commission, which they agreed to accept. Further investigation then took place, and the final result was, that a balance was struck in favour of the petitioner, to the amount of 902*l*. 11*s*. 3½*d*. more than his claim for commission. Thus was he under prosecution in the court of Exchequer for four years, and demands made against him at one time for 9,129*l*.; at another for 3,322*l*.; and he was called on in the most peremptory manner, to pay this latter sum in five days, and finally he was found to be a creditor, and not a debtor. The costs to which he was incidentally exposed in the course of the proceedings, amounted to 3,000*l*. He had surrendered his claim to 5,000*l*.; for otherwise the board would not pay him the balance which he had mentioned. The hon. and learned gentleman said, that in his opinion, the charge was of a most serious nature, and required immediate investigation. The petitioner could not mislead, for he referred in every step to documents which could not deceive. The circumstances of the case shewed a great irregularity in the board. It was a fair specimen, he presumed, of the manner in which they transacted the public business; and he trusted, that hon. members who paid particular attention to such matters, would have this petition printed, and give to it all that attention which it so well deserved.

Sir *Joseph Yorke* said, that he had the honour of a seat at the board of Admiralty, when this transaction was under discussion. Business had been done to the amount of a million and a half; forty-nine packets of letters had been written on the subject, it was not, therefore, singular, that it should be a case of difficulty. The accounts had been often discussed. It appeared to him to be like an amicable suit between the parties. The petitioner had been contractor in India since the year 1794, and he had charged one and a half per cent commission, and twelve per cent interest for money lent to government. These demands could not be complied with; he knew the board to have been most anxious for the adjustment of all the accounts: and he lamented that the settlement had been deferred to the year 1822.

The *Solicitor General* expressed his astonishment, that the hon. and learned member who had presented the petition, did not state why the original balance against the petitioner was reduced from 9,129*l.* to 3,322*l.*; the fact was, that 5,806*l.* were paid for him by his agent, on account of this balance. Of the other items, he had claimed 400*l.* commission, and 1,800*l.* interest, and he had also demanded a half per cent for what he called his contingent account. These claims were not allowed. He also required twelve per cent interest, which was refused. The board sued him in the court of Exchequer, and before the cause was brought to trial, it was referred to the arbitration of two counsel; one was the lawyer employed by Mr. Cochrane, the other was employed against him. The arbitrators had power to call in an umpire, if they differed. They did not differ: they decided against the petitioner: his claim of 12 per cent interest was reduced to five; his demand of one-half commission was still undecided, when he had made a fresh claim of 3,000*l.* He had also started a new demand of 15,000*l.* An ultimate arrangement was, however, made, that the petitioner should receive a sum of 1,200*l.* as an equivalent for all demands; and this sum had been paid him. These are the circumstances of the case; and the House would perceive, from the documents themselves, that the hon. Basil Cochrane had no just cause of complaint against either the Victualling board, or the law officers of the Crown; for the steps which had been taken under their direction and advice.

Mr. *T. Wilson* thought, that the charge of delay on the part of the victualling board, remained untouched. The system pursued by the board was at once oppressive to the individual, and prejudicial to the public.

Sir *I. Coffin* said, that the passing of the public accounts required much time, and was attended with great difficulty.

Mr. *Grey Bennet* thought, that the public was always a loser by the slow passing of accounts. He thought that the public offices had been much stinted with regard to clerks, and hoped that this inconvenience would be remedied next session.

Sir *G. Cockburn* wished to remind the House that the delay had not taken place in the office; the accounts having been settled in the year 1811. The delay, down to the year 1819, had been occasioned by the law proceedings.

Mr. *Croker* agreed fully with the hon. member for Shrewsbury in his ideas. The accounts even had not been in dispute since the year 1794; they were brought into the office in the year 1808. For his part, he could bear the most unequivocal testimony, not only to the integrity, but also to the celerity and zeal of the Victualling board. He thought, that, for peace sake, a greater degree of indulgence had been shown to the petitioner than was consistent with strict propriety.

The *Attorney General* said, that the petitioner did not arrive, as he asserted, from India in the year 1806, but in the year 1807; neither was he sent for. He came of his own accord, and he knew his accounts were the first investigated.

Mr. *Hume* thought, that this was a fair specimen of the manner in which the public accounts were passed.

Mr. *Denman* was of opinion, that what had been said by the law officers of the Crown did not satisfactorily account for the delay that had appeared in the transaction. He would therefore move, "That the petition be laid on the table and printed."

The Petition was then read; setting forth, "That the petitioner was contractor and agent for victualling his majesty's squadron in the East Indies for a period of nearly twelve years, namely, from September 1794 to March 1806, during which time the petitioner disbursed public monies to the amount of 1,500,000*l*., and upwards; that during the whole of the said period, the petitioner kept his accounts with the utmost regularity, and transmitted quarterly statements thereof, accompanied by vouchers and letters explanatory of the same to the victualling board in London; that so great was the negligence of the said victualling board with respect to their accounts, that although the petitioner sent to them forty-nine packets, and one hundred and twenty-four letters, he received only one letter from them; and the said victualling board made no other acknowledgment, save as aforesaid, either to the petitioner or to his agent in London, to whom the petitioner referred the said victualling board for any explanation that might be wanting in respect of his said accounts; that the said agent of the petitioner having repeatedly requested the said victualling board to enter into the examination of the petitioner's said accounts, at length informed the petitioner, by a letter dated 5th September, 1805, that the said victualling board had only then begun to examine his account for the year 1794; and the petitioner, conceiving that his presence might materially assist in such examination, did, immediately upon the receipt of the said letter, write to the said victualling board, requesting them to apply to the lords commissioners of the admiralty, to permit the petitioner to return to England, with a view of facilitating a final settlement of his accounts, and also to appoint agents to act for him during his absence from India; that in the correspondence which took place upon the occasion, between the victualling board, and the lords of the admiralty, previous to the petitioner's arrival in England, the said victualling board acknowledged the regularity with which the petitioner had transmitted his accounts, and also that they had received from the petitioner a regular series of vouchers in support of his charges; that while the petitioner was making arrangements with Messrs. Balfour and Baker, the gentlemen who were to act for him during his absence, he received a letter from the said victualling board, calling upon him to furnish them with duplicates of all the vouchers he had obtained during his transactions with them; that the said requisition was made solely for the purpose of delay, and to prevent a settlement of his accounts; for the petitioner afterwards discovered, that out of nine thousand vouchers sent by him to the said victualling board, only one hundred and eighty-one were required to be again furnished by the petitioner; that upon receiving the said requisition, the petitioner resolved to resign his contract, and to lose no time in proceeding to England, and having obtained permission from sir Edward Pellew, the commander in chief, to leave India, and to appoint the said Messrs. Balfour and Baker his successors in the contract, instead of being merely his agents, set sail for England, where he arrived in the month of April, 1807: that between the years 1807 and 1809, the petitioner used every endeavour to induce the said victualling board to enter upon the investigation of his said accounts; he attended at the victualling office, and furnished the deficient vouchers, and every paper and document which could throw any light upon his said accounts, or expedite the examination thereof; and further proposed to the said victualling board, that if they would allow him the assistance of two clerks, he would undertake to go through, and explain, the whole of his accounts in a fortnight; that after repeated and vexatious delays on the part of the said victualling board, the petitioner's accounts were, in the month of March, 1809, at length taken up for examination by the committee for cash and store accounts, and between that time and the beginning of the year 1811, the greater part of them were examined, approved, and closed; that in the month of April, 1811, the said victualling board sent the petitioner their audit upon his accounts, which was comprised in forty-seven different statements, and on the 31st July following, they wrote to the petitioner, stating that they had formed their final balances, amounting to 9,129*l*. 0*s*. 1*d*.; that they would allow him one month to pay it, and if he failed, would institute legal proceedings against him, and thus give him the benefit of a legal decision; that the petitioner having with difficulty obtained a further delay, did satisfy the said victualling board that he was not accountable for the sum of 5,806*l*. 16*s*. 9*d*., part of the alleged balance of 9,129*l.* 0*s.* 1*d.*, which thus reduced the said sum to an alleged balance against him, amounting to 3,322*l.* 3*s.* 4*d.*; that the said victualling board did shortly afterwards, by a letter, dated the 6th of November, 1811, acknowledge the correctness of the petitioner's statement, by deducting from their alleged balance of 9,129*l.* 0*s.* 1*d.* the said sum of 5,806. 16*s.* 9*d.*; and the said letter further informed the petitioner, that "if the said sum of 3,322*l.* 3*s.* 4*d.*, now the final balance against him, were not paid in five days from the date of their said letter, instructions would immediately be given to their solicitor, to proceed against him, as their patience was perfectly exhausted;" that the said victualling board did accordingly commence a prosecution in the Court of Exchequer against the petitioner, the said prosecution being for the recovery of two items, part of the said balance of 3,322*l.* 3*s.* 4*d.*, namely, one item on account of 1 per cent commission charged by the petitioner on certain disbursements, and amounting to the sum of 1,889*l.* 10*s.* 9¾*d*, and the other item on account of 12*l.* per cent interest per annum (the legal interest in India) on money advanced by the petitioner to government, and amounting to the sum of 994*l.* 5*s.* 10¾*d.*; and the petitioner submits, that the said victualling board acted with no less irregularity than injustice, in prosecuting him for a part only of a final balance, and holding over his head a second prosecution in respect of the remainder of that balance; that the said victualling board did, by every species of delay, procrastinate the said suit in the Exchequer for a period of four years, during which time the petitioner was harassed and exhausted in mind and body, besides being put to very considerable expense, as hereinafter-mentioned, and, at length, seeing no hope of the said prosecution being brought to a hearing and issue, the petitioner proposed to the said victualling board, to accept an annuity of 753*l.* 15*s.*, during the eleven years that his said agency had subsisted, in lieu of his claim to the said item of 1,889*l.* 10*s.* 9¾*d.* and of a charge of 5 per cent commission upon certain purchases made by him; and with respect to the other item of 994*l.* 5*s.* 10¾*d.*, the petitioner proposed to submit the same to the award of arbitrators, to be mutually chosen; that the said victualling board agreed to accept the proposal of the petitioner, and thereupon an account was stated between them, in respect of the petitioner's said claims for commission, and the said sum which the petitioner had agreed to accept in lieu thereof, and the balance upon that account was found to amount to the sum of 902*l.* 11*s.* 3½*d.* in favour of the petitioner, which said sum was afterwards paid to the petitioner by the said victualling board; and thus, after being prosecuted for four years, and harassed and exhausted in mind and body, the petitioner actually received the said sum of 902*l.* 11*s.* 3½*d.* from the said victualling board, instead of paying them the sum of 1,889*l.* 10*s.* 9¾*d.* for which he had been so unjustly exchequered; that the other item of 994*l.* 5*s.* 10¾*d.* on account of interest, for the recovery of which the petitioner had also been prosecuted as aforesaid, was, by an order of the Court of Exchequer, dated the 17th of December 1819, referred to arbitration, although the said victualling board were well aware that the same charge had been allowed by the navy board in the accounts of Mr. Henry Sewell, formerly naval agent at Madras, and who had advanced his own funds at the same time, and under the like predicament, as the petitioner; that the arbitrators admitted of the principle upon which the petitioner had made the charge of interest, but reduced the rate from twelve to five per cent, contrary to the order of reference from the Court of Exchequer, which confined them to the question of whether interest should be allowed or not, and took no notice of the rate to be allowed; but the petitioner being desirous to obtain a settlement of his accounts, which, up to this time (May 1820), had been kept open for a period of thirteen years since his return to England, he did not object to the award: the petitioner was accordingly, on the 11th day of July, 1820, paid the sum so declared due to him, and which said sum amounted to 353*l.* 11*s.* 6*d.*; that the expenses to which the petitioner has been put, in defending the said suit in the Exchequer, amounted to the sum of 287*l.* 14*s.* 3*d.*, and the expense during the progress of the said arbitration amounted to the further sum of 289*l.* 15*s.* 6*d.*, making, in all, the sum of 577*l.* 9*s.* 9*d.* besides other expenses consequent upon the said suit in the Exchequer, and incident to the audit of his accounts, to an amount not less than 3,000*l.*; and the petitioner submits that, in instituting the said proceedings against him, the said victualling board had not a shadow of pretence; that the gross injustice of their proceedings has been manifested by their immediately consenting to reduce their arbitrary balance of 9,129*l.* 0*s.* 1*d.*, to 3,322*l.* 3*s.* 4*d.*; by their afterwards picking out two particular items, and prosecuting the petitioner upon them, and not upon the whole balance which they alleged was due from him; by their consenting not only to waive the claim which they made to the sum of 1,889*l.* 10*s.* 9¾*d.* but actually to pay the petitioner the sum of 902*l.* 11*s.* 3½*d.*; by their submitting their remaining claim to arbitration, and thereupon paying the petitioner the sum of 353*l.* 11*s.* 6*d.* instead of being paid the sum of 994*l.* 5*s.* 10¾*d.*; and, in fine, by their having paid to the petitioner the sum of 1,282*l.* 7*s.* upon the final close and settlement of his accounts, instead of receiving from him the sum of 3,322*l.* 3*s.* 4*d.* which they alleged to be due from him as aforesaid; and the petitioner begs further to state, that to bring the said victualling board to this settlement, he has been obliged to sacrifice claims to the extent of upwards of 5,000*l.*, to which he considers he had a well-founded right, and which the petitioner is enabled to prove, the said victualling board having refused to pay to the petitioner the balance which, according to their own showing, was due to him, unless he relinquished those claims; the petitioner therefore humbly prays, That the House would direct an inquiry to be forthwith instituted into the conduct and proceedings of the said victualling board, and allow him to be heard, by his counsel and agents, in respect of the matters aforesaid: and that the House would be pleased further to institute an inquiry into the hardships sustained by public accountants, from Exchequer process and otherwise, in order to afford the petitioner such relief in the premises, as to their wisdom may seem meet, and to prevent others from suffering the like injustice in time to come."

Ordered to lie on the table, and to be printed.

IRISH INSURRECTION BILL.] The order of the day having been read for the second reading of the Bill for continuing the Irish Insurrection Act, Mr. Goulburn moved, "That this Bill be now read a second time." Upon which,

Sir *Henry Parnell* addressed the House as follows:*—

Mr. Speaker;—I do not feel, that the House will require from me any justification of my conduct, when I propose to it to adopt a different course of proceeding in respect to Ireland, from that which the right hon. gentleman has called upon it to pursue. Because, if ever there was a time when it was the duty of every member belonging to Ireland to come forward and offer his opinion to the consideration of the House, the present circumstances of that country call upon them to do so; and if I were to remain silent on this occasion, feeling as I do, that much more is absolutely necessary to be done than what the right hon. gentleman proposes to do, I should be guilty of nothing short of a great neglect of my public duty. Parliament is highly interested in every thing which may tend finally to put down disturbances, to compose discontent, and to conciliate the affections of the people of Ireland; and, therefore, let the merits of the motion be what they may, which I shall submit to the House, it will, by promoting discussion on the state of Ireland be productive of a good effect.

Before, Sir, I proceed to show the grounds on which I propose to amend the motion of the right hon. gentleman, by moving that a secret committee be appointed to inquire into the extent and object of the disturbances existing in Ireland, I beg to say, in order that my motives may not be misunderstood, that I do not wish to obstruct the passing of the Bill for continuing the Insurrection act. But when I say this, I by no means support it because I think it will have any permanent effect in putting down and preventing the renewal of disturbances; but because I believe that it is called for to afford protection to the lives and properties of the loyal inhabitants of the disturbed districts. I wish also to declare, that in moving this amendment I have no intention of casting the slightest reproach upon the administration of lord Wellesley: I feel the greatest confidence in his disposition and in his ability to serve his country, and to conduct the government to the best advantage amidst the great and numerous difficulties with which it is encompassed. I am ready to acknowledge, that lord Wellesley, during the short time he has been in Ireland, has brought forward several very valuable measures. The act for reforming the constables has proved of great utility, and promises to be completely successful. The revision of the magistracy is of great value, though the extent to which it has been carried is far short of what it ought to be, to make it a perfect measure. The bill for a composition of tithes I consider of the greatest importance; and a measure, that, in its amended state, will be easy to be carried into execution. But, above all, I think lord Wellesley is particularly entitled to praise for the efforts he has made to administer the laws impartially, and to check the violence of religious animosities.

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* From the original edition printed for Ridgway, Piccadilly.

But, Sir, it appears to me, that the present question is not one between parliament and lord Wellesley. It is his business to administer the laws such as he finds them; but we are now occupied in making a new law, and in legislating generally for the affairs of Ireland; and the question is, therefore, one between parliament and the government generally, and not fit to be confined within the narrow limits of a mere Irish question. It is, in fact, as much an English question as an Irish one. The dearest interests of Englishmen are included in it; and they are particularly concerned at this moment in taking care, that such a system of measures shall be adopted as are best calculated to establish tranquillity in Ireland.

I wish also, Sir, not to be considered as one of those, who make indiscriminate charges against his majesty's ministers, for having done nothing for the advantage of Ireland. So far from thinking that this is the case, I give them credit for having effected a complete change in the administration of government in Ireland. From the time of the king's visit to Ireland to the present moment I have seen but little to find fault with, that has been done in Ireland; and a great many beneficial measures have been passed, though not much taken notice of by the House. The acts, which have passed this session, for removing the duties upon the trade between England and Ireland, are measures of the greatest value. The act for consolidating the boards of revenue is of great value. As this measure goes to take from government the great patronage which has heretofore belonged to it in Ireland, of appointing to all the inferior revenue offices, the concession deserves to be considered as one highly creditable to them; and the new distillery bill is also a measure, which shows the anxiety of government to reform abuses in Ireland.

In respect, Sir, to the amendment I now submit to the House, I am aware, that the period of the session will afford to the right hon. gentleman the opportunity of objecting to it on that account. But I think, Sir, that if I had brought forward a motion for inquiry into the state of Ireland before the right hon. gentleman had communicated to the House what the plans of government were, I should have been justly liable to be complained of for not giving time to government to mature their plans; and since the right hon. gentleman has developed them, I appeal to the House whether the business that has been before it would have afforded me an earlier opportunity of bringing forward my motion. In such a case as this, it will ill become the right hon. gentleman to set forth this old plea of the late period of the session. The state of Ireland is every day becoming worse; it is so bad as to lead the public mind to anticipate some dreadful calamity, and to excite universal alarm; and, therefore, if an inquiry would occupy the whole summer, the House ought to go into it, and not refuse it because, according to the common routine of parliament, the session would close in the month of July.

We now see, that all that is intended to be done by government is, to continue the Insurrection act. That is, after the experiment of having recourse to it last year has completely failed, and after the disturbances are greatly extended, parliament is to separate with no better prospect of an improvement in the state of Ireland, than what this most severe, unconstitutional, and inefficient measure offers.

When, Sir, I examine what the state of Ireland is this year, in comparison with what it was when the Insurrection act was passed last year, I consider that it has become infinitely worse, and that the danger is much more formidable. Last year there was some reason for expecting, that this law might have produced, at least, a temporary restoration of tranquillity; but now, after we have had full experience of its powers, and of the persevering resistance which is made to it, no one can venture to say, that it will operate as a remedy of the disturbances. It is under these circumstances, so new and so formidable, that I feel it my duty to call upon the House not to separate, until it is in full possession of the actual state of Ireland. It is impossible to collect the necessary information from speeches in this House, or from despatches, and other documents. Nothing but a committee, exercising unlimited powers of inquiry, can effectually expose, in all their proper bearings, the nature, extent, and object, of the existing disturbances,

I might, Sir, I conceive, let my motion rest upon this general statement, as affording a sufficient parliamentary ground to justify me in calling upon the House to adopt it; but I consider the necessity of instituting an inquiry so urgent, that I feel myself called upon to set forth, in detail, every thing which can contribute to secure the concurrence of the House to the request I make, not longer to postpone this inquiry. I shall begin, by showing the extent of the disturbances, as they existed in the past and present year; and, in order to do this, I shall refer, in the first place, to the dispatches of lord Wellesley. In the dispatches of the 3d and 11th of January, 1822, lord Wellesley states, that disturbances have occurred in no less than sixteen counties, which he mentions by name, in the provinces of Leinster and Munster. He says, that in the province of Connaught the great body of the people have been sworn. And, in a dispatch of the 1st May, 1822, lord Wellesley says, "In Ulster strong indications have been generally manifested of resistance to the process of the law."

In the next place, I refer to the right hon. gentleman (Mr. Goulburn), who, on the 22d of April, 1822, in speaking upon the state of Ireland, said, "the disturbances which then prevailed were such as had not been known for a considerable time past; such as had ultimately broken out into open insurrection against the government. He could not better describe the state of the south of Ireland, than by stating, that there was no county in which the police was sufficient to protect the peaceable." And, on the 8th of July, 1822, the right hon. gentleman further said, "A general system of insubordination prevailed throughout Ireland: a general combination, conducted by secret associations, collecting arms, and making proselytes, with a view to the complete extension of their principles throughout the country."

From these documents, we are able to ascertain to what an extent the disturbances existed in 1822 in the south of Ireland, and what was the general character of them. But it appears, that, while these disturbances were thus covering nearly the whole of the south of Ireland, a distinct secret conspiracy, carried on by the Ribbon-men, was establishing itself in six other counties, having the same general object in view, but working by more skilful and deep-laid means. The attorney-general of Ireland, in his speech on the trial of Michael Keenan, in Dublin, on the 4th of November, 1822, gives the following description of this conspiracy:—"For some time past, I believe considerably more than for two or three years, a plan has been formed in Ireland for associating the members of the community, by unlawful oaths, to overthrow the established government. The machinery, by which it is sought to effectuate this purpose, is one of a very complicated nature, and evincing much consideration and contrivance. The association has already extended into several neighbouring counties" (five or six are the number mentioned, in a letter from the attorney-general to lord Wellesley, dated November 26, 1822), "and is intended to embrace the whole kingdom: it is, however, not connected with the outrages which have for some time disgraced the south of Ireland. The object of the association is rather the hatching of mischief, to be brought into future operation. They condemn the disturbances of the south, and regret their premature appearance: their design is to wait until some period of danger and difficulty, when they hope, by a vigorous and united effort, to be able to shake the whole foundation of our civil polity to its centre."

The attorney-general gives the following description of the manner in which this conspiracy is conducted.—"The course was, first to have lodges formed, the number of men in each of which was not limited, but seldom exceeded thirty or forty: each of these members was bound, by an oath, to be of the society, to conform to its rules, not to reveal or divulge its secrets, and to obey the order of his superior: each of these lodges had a master, who was to represent his lodge in the baronial* commmittees: from these baronial committees delegates were appointed to represent the counties: and from these, delegates to attend provincial meetings: and from these, again, delegates to attend national meetings, thus finally composing a general association, affecting to represent the entire community."

The House will not fail to remark, how formidable an association this must be, that has been going on for two or three years in five or six counties, having the city of Dublin for its focus, and governed in the way that has been described. If reports are to be credited, this association is not confined to five or six counties, but is spread over the whole of the province of Ulster, and over a great many of the midland counties; and, although no persons have as yet been discovered to belong to it of consequence or consideration, where there exists so much skill and method in contriving it, and so much natural talent among the people for conducting the operations of such an association, it appears to me to be much more formidable than those other associations, that are less organized, and more forward in committing open acts of outrage and disturbance.

The references I have made show the extent of the disturbances in 1822; I will now submit to the House what is their present character. Lord Wellesley, in a dispatch of the 29th Jan. 1823, expressed an opinion, that the country had become more tranquil; but, in another dispatch, dated the 8th of April, he says, "Subsequent events have disappointed that expectation; and, during the month of March, the system of outrage and terror has been pursued, in the parts of the province of Munster, with increasing activity and vigour, and has reached other parts of the country. In less agitated counties of Ireland, crimes of an insurrectionary character appear to be more frequent."

The right hon. gentleman (Mr. Goulburn), when he moved for leave to bring in the bill for continuing the Insurrection Act, said, "There existed an emergency so alarming, as not to admit of time to inquire into it." In corroboration of this description of the state of the country, as given by lord Wellesley and the right hon. gentleman, the accounts that daily come from Ireland show, that the disturbances are extending, and that the whole country is placed in a state of great apprehension of some desperate calamity befalling it. All my communications with the Irish representatives go to confirm these accounts.

If, Sir, these disturbances, which I have described, had commenced for the first time last year, formidable as they are, they would be much less alarming than they must appear to every one to be, who will take the trouble of examining how closely they resemble, in plan, spirit, and object, the series of disturbances which have for some years occurred in Ireland; because this similarity of circumstances indisputably proves, that some deep-seated evil must be at the bottom of so much national discontent, and such daring insurrection. The House will see, by looking into the details of former disturbances, that the existing disturbances can only be considered as one of a long series which in succession have broken out in different parts of Ireland.

In the year 1820, my hon. friend, the member for the county of Galway (Mr. Daly), proposed to the House a motion* similar to that which I now am about to submit to it, founded upon the disturbances existing in the counties of Galway and Roscommon. He described the state of the south and west of Ireland in the following words:—"There never was a period, when the state of Ireland required a more prompt and vigorous interposition on the part of government; a period, when the disturbances were so extensive, and the outrages of so violent and dangerous a character." His statement was corroborated by the speeches of my hon. friends, the members for the counties of Clare and Derry. These disturbances commenced in the autumn of 1819, and have continued ever since, except for a short interval in 1821. In 1817, the Insurrection act was continued, in consequence of disturbances in the counties of Lowth, Tipperary, and Limerick. In 1816, the dispatches of lord Whitworth were laid before the House, which showed the existence of disturbances from 1810 to 1816. Lord Whitworth states—"A special commission was appointed in 1811, in consequence of the outrages committed in the counties of Tipperary, Waterford, Kilkenny, and Limerick, by bodies of men, who assembled in arms by night, administered unlawful oaths, prescribed laws respecting the payment of rents and tithes, and plundered several houses of arms. In the early part of 1813, and during the whole of that year, many daring offences were committed against the public peace in these and other counties, particularly in Waterford, Westmeath, Roscommon, and the King's county, the nature of which sufficiently proved, that illegal combinations, and the same systematic violence and disorder, against which the special commission of 1811 had been directed, still existed. In consequence of the continuance and increase of disturbances, in March 1814, the Insurrection act was introduced." In 1815, according to these dispatches, application was made by the magistrates to have the Insurrection act enforced in the counties of Clare, Meath, and Limerick. In 1816, it was enforced in Lowth; and it appears, that during 1814, 1815, and 1816, disturbances had existed in the Queen's county, and county of Longford. The House will observe, that the description given by lord Whitworth of the disturbances in these years shows, that they were exactly similar in all respects to the disturbances which now exist. Secret oaths, obtaining arms, prescribing laws, are the characteristics of the present disturbances, as they were of those described by lord Whitworth.

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* A Barony in Ireland is similar to a hundred in England.

* See Vol. 2. p. 91 of the present Series.

In 1807, the Insurrection act was revived, and continued till 1810. In 1803, the conspiracy of Emmet occurred; and although it was instantly suppressed, there is no doubt that it was one embracing several counties, and that if the first effort had been successful, a general insurrection would have been the immediate consequence. A great number of country people had come into Dublin immediately previous to the explosion of the plot, and lord Redesdale, then Chancellor of Ireland, has stated, that several counties were ready to have embarked in it.

In 1801, a secret committee was appointed to inquire into the state of Ireland, and they say in their report, "The conspiracy of 1798 is not then subsided. It appears to be in agitation, suddenly, by means of secret confederacy, to call numerous meetings, in different parts of the country, at the same day and hour, to an extent, which, if not prevented, must materially endanger the public peace." And in a second report, the committee describe the counties of Wicklow, Wexford, Tipperary, and Limerick, as being particularly disturbed. We learn from the reports of both Houses of the Irish Parliament, in the years 1798, 1795, and 1793, that the country was in a continual state of disturbance, from 1792 to 1798.

From the statement that I have now submitted to the House, it appears, that a great extent of Ireland has, from time to time, since then Union, been in a state of open disturbance. The following summary, which is taken from public documents, will accurately illustrate this important fact:—

Counties in which Disturbances have taken place,

1801.	Wicklow, Wexford, Tipperary, Limerick.
1806.	Mayo, Sligo, Leitrim.
1811.	Tipperary, Waterford, Kilkenny, Limerick.
1813.	Waterford, Westmeath, Roscommon, King's county.
1814.	Queen's county and county of Longford, in addition to the last mentioned counties.
1816.	County of Lowth also in addition.
1819.	Galway, Roscommon, Kilkenny, Cork, Westmeath.
1822	Sixteen counties since 1821. All Connaught sworn. The association of Ribbon-men established in five or six counties.

Another way of judging of the state of disturbance in Ireland, is by referring to the Statute Book: from this it appears as follows:

	Years.
That the Insurrection Act was in force from 1796 to 1802	6
That Martial Law was in force from 1803 to 1805	2
That the Insurrection Act was in force from 1807 to 1810	3
That the Insurrection Act was in force from 1814 to 1818	4
That the Insurrection Act was in force from 1822 to 1823	1
Out of a period of 27 years, these laws were in force for	16

But in addition to these two acts, others of a similar unconstitutional kind have been passed within the same period. The Habeas Corpus act was suspended from 1797 to 1802: again, from 1803 to 1806; and again in 1822. The Arms act, allowing domiciliary visits, and prohibiting the use of arms, was in force from 1796 to

1801, and has been in force from 1807 to the present time, and now forms part of the standing law of the country. The Peace-preservation act, by which a regular gendarmerie was appointed, has been in force from 1814 to the present time. Taking together the periods of disturbances, as before mentioned, with the periods for which the Martial Law and insurrection Acts have been in force, we obtain the following table of actually existing disturbances in Ireland:—

Period.			Years.
1.	From 1792	to 1802	10
2.	1803	1805	2
3.	1807	1810	3
4.	1811	1818	7
5.	1819	1823	4
			26

That is, out of a period of the last thirty-one years, no less than twenty-six years have been years of actual insurrection or disturbance. The following conclusions may be drawn from this case of Ireland, as to the means taken for suppressing disturbances. First, That as often as any disturbance has appeared, since 1795, it has been immediately followed by some new law of a severe and coercive character. Secondly, That a regular system has thus grown up, and been constantly acted upon, of dealing with discontent and disturbance with severe and coercive measures. Thirdly, That this system has completely failed; for, in place of discontent and disturbance being diminished, great as they were in 1795, they are still greater at the present moment.

The only years of any thing like tranquility since 1792, have been from 1802 to 1803: from 1805 to 1806; from 1810 to 1811; and from 1818 to 1819. Four years out of thirty-one! The government of Ireland, to use the language of a celebrated constitutional writer, referring to another government, has been but a continued scuffle between the magistrate and the multitude. And is this, Sir, I ask, the system of government the British parliament will passively submit to? Can it go on with impunity? Can it last for another thirty years; another twenty; ten; five; or one other year.

Let us examine what must be the consequences of persevering in this system. What is the present evil against which we have to contend? In the first place, in three provinces of Ireland, nearly every county habitually occupied with disturbances; and in the fourth province, the public peace continually violated by the contests of Orange-men and Ribbon-men. Secondly, almost the whole grown-up male population, under the age of forty years, regularly educated in insurrection. Thirdly, the disturbances and spirit of insurrection extending in every direction. Fourthly, the population increasing at a rate so as to double itself in forty-six years. Fifthly, the whole efforts of government to put down these disturbances by force, a complete failure.

This, Sir, I undertake to say, is a correct summary of the political circumstances of Ireland, belonging to the systematic confederacy of the people to obtain redress for the grievances they labour under: and it is in the face of so formidable a state of things, that all that government proposes for parliament to do is, to continue the Insurrection act. If the people of Ireland are suffered to go on increasing, both in number and in insurrection, it will become a very serious question, how England will be able to control them, and secure the connexion between the two countries. If six millions of discontented Irish are to become twelve millions, without any change being effected in their temper and habits, while they are every day learning how to evade the violences of coercive laws, and to make the system of secret association more general and more manageable, a power will grow up on the side of England of such magnitude as may be able to cope with the power of England, and involve England in all the calamities belonging to a new effort to conquer Ireland.

With a view, Sir, to form something like a correct judgment in respect to the object of these disturbances, I will state the evidence we have on that head, as contained in authentic documents; for it is by being fully acquainted with their object, that we can best judge of their causes, and best understand how to apply proper remedies. To begin with the year 1798: we all know, that the object of the conspiracy of that year was, to take possession of the country. The report of the secret committee of 1801 informs us, that the conspiracy of 1798, was not then abandoned; and that it was in agitation to rise suddenly, and destroy the government. In 1803, Emmet's conspiracy had the same object. In 1806, the system of assembling in arms at night, of administering unlawful oaths, and of collecting arms by plunder, was carried on in several counties. In 1811, the same system was renewed and continued for six years. In 1819, it was again renewed, and has continued to the present time. In 1822, we learn from the attorney-general of Ireland, that the conspiracy of the Ribbon-men hopes, by a vigorous and united effort, to be able to subvert the present laws and government. These circumstances place beyond all doubt the principles, the motives, and the objects of the discontented. In 1798, 1801, 1803, and 1822, we have direct evidence of the intention of the disaffected to rise suddenly, and seize on the country. In 1806, 1811, and 1819, we have direct evidence of associations existing for years together, acting on such a scheme of confederacy by secret oaths, and of preparation by obtaining arms, that cannot be accounted for in any other way, but by supposing them the first steps towards a general rising of the people.

Now, Sir, I say, with so much evidence before us of the intention of the disaffected, and with the knowledge we possess of the great extent of preparation which exists, and of the facility with which the lower orders may be collected together, it is nothing short of exposing the lives and property of all the loyal and peaceable people to sudden destruction, if we close the session without a full inquiry into the state of Ireland, and without taking all those measures of precaution and remedy, which the actual circumstances of the case may appear to require.

I have now, Sir, submitted to the House what appear to me to be sufficient parliamentary grounds to support my motion for appointing a secret committee. I have proposed a secret committee, in order to place the business of inquiry under a reasonable control on the part of government; and I have limited the instructions to inquire into the extent and object of the disturbances, in order to remove all objections, that might arise from calling upon a committee at this period of the session, to inquire into a matter so much controverted as the causes of the disturbances. An accurate knowledge of the objects of the disturbances will best lead to a correct judgment upon the causes of them, and, therefore, the proposed inquiry will in this way be indirectly an inquiry into these causes.

But, although I have been, for these reasons, led to frame my motion, I should be sorry to see the discussion of this evening limited in the same way; for I think it is of essential importance, that the causes of the disturbances should be fully discussed. As far as discussion has, as yet, taken place, and as opinions have been formed concerning the causes of the disturbances, but little good has been done; on the contrary, I am inclined to think, that a great deal of harm has been the result of persons of authority taking very erroneous views of the circumstances of Ireland, and leading the public to form opinions upon the causes of its disorders, which are altogether erroneous, and in the way of a correct decision upon the most effectual remedy of them. The question, in point of fact, has been very superficially considered; and the great principles which govern mankind, and the proper objects of good government, have been too generally overlooked.

The noble lord, who is at the head of his majesty's government, has, on every occasion when the state of Ireland has been under discussion, very confidently expressed his opinions upon the causes of the disturbances in Ireland. In alluding to the noble lord, I do so, feeling the highest respect for the purity of his political conduct, and believing that he is sincerely desirous to improve the condition of Ireland; but I must say, from all the experience I have had of the people and of the circumstances of Ireland, that nothing can be more untenable than the doctrines of lord Liverpool, concerning the causes of her disorders, and the remedies that are fit to be applied to them. The noble lord says, and very truly, that it was owing to the source of the evil being mistaken, that an effectual remedy had not yet been applied: but when the noble lord goes on to say, what is, in his opinion, the source of the evil, he shows, that he does not comprehend, in the most remote degree, the character of the people, or those circumstances belonging to the disturbances, which must always be taken into consideration, in endeavouring to ascertain the real source of them.

The noble lord lays down this position, "that all the insurrections in Ireland, with the exception of that of 1798, have been directed against property, and not against the government of the country." This position has been so frequently insisted upon by the noble lord, and so little has been said to controvert it, that it has become indispensably necessary to examine it, in order to prevent the injurious consequences which may flow from it. The first great mistake on which this opinion is founded consists in the assumption, that the lower orders of the people of Ireland have no kind of interest in the state of the penal laws under which they live; that they do not concern themselves at all with politics; that they are only influenced by the consideration of matters of property—tithes, rent, and taxes. Now, Sir, I can assure the House, that nothing is more unfounded than this assumption. Feeling the importance of ascertaining, by every means in my power, what the real state of the case is, I have for several years made it my business to obtain information upon it. I have conversed with and examined a great many individuals of the lower orders: I have consulted their bishops and their clergy: I have obtained the opinions of the best informed Catholics in every profession; and I have myself had the advantage of witnessing the fullest expression of popular feelings on two severely-contested elections, in which the whole population took a most lively interest: and the opinion that I have formed, as the result of all my experience, is, that the whole mind of the people is occupied with politics; that they thoroughly comprehend every law and every measure of government which relates to them; that they have a very accurate knowledge of all the privations to which they are exposed; and that they not only know, that they live as a class placed in a condition of inferiority in respect to a small party in the country, but that they practically feel inconvenience from this condition of inferiority. I believe, therefore, that the disturbances are altogether political; that although many local provocations immediately produce the first overt acts, the principle which serves to give them continuance, extension, and power, is a political principle.

The noble lord has endeavoured to illustrate his position by referring to the feelings expressed towards his majesty on his visit to Ireland. But really nothing can be more unfortunate than this illustration: for the whole spirit of the expression of those feelings consisted in this, that it was universally believed, that the king came to Ireland to give relief to the people from the long-established system of a local Irish government, that made the interests of the people subservient to those of an exclusive ascendancy party. The people said, they had at last got a king of their own—this was the emphatic way in which they drew the distinction between the king and the castle. The people know the king has all his life been their friend; and if he were now to go into the south of Ireland, they would instantly abandon their insurrectionary practices; but not because those practices were wholly against property, but because they would calculate upon a change in the laws and in the measures of government, as a certain consequence of his majesty's becoming personally acquainted with their condition.

Another way of showing that the disturbances are of a political character, is, by referring to the evidence I have laid before the House, of the nature and objects of the disturbances. The object of the disturbance in 1801 is described by a committee to be, a sudden rising, and the seizing of the possession of the country. The object of Emmet's conspiracy was, to put down the government. The object of the Ribbon-men is the same; and in respect to the disturbances which have existed in regular succession, is it consistent with common reasoning to infer, that they are solely levelled against property, when they are carried on by administering secret oaths, and for the purpose of arming the whole of the population?

But a circumstance, which fully shows, that the pressure of tithes, rent, or taxes, is not the cause of these disturbances, is, that they never were more general, according to the dispatches of lord Whitworth, than in the years 1811, 1812, and 1813, when the market prices of landed produce were so high, and labourers wages so great, that the people felt no pressure whatever from the circumstances of the times, as connected with property.

The same noble lord has also said, "that the real question had never been considered: and why? Because it was the interest of faction to give a direction to grievances entirely different from that which actually caused them; to represent evils as growing out of the measures of government; to trace disturbance and discontent to the conduct of this or that administration." But the noble lord seems to have forgotten, that it is decidedly the interest of government to say, the insurrections are not against government; and thus, as I would say, to give a direction to grievances entirely different from that which actually caused them. Nothing can be more convenient to government than to have this doctrine believed in; for then they are wholly freed from all responsibility. They can say, we really have nothing to do with these disturbances, but to quell them as well as we can: it is with the landlords to remove the causes of them.

But upon this point, "who, or what party gives the wrong direction to grievances?" we possess a method of bringing it to a test; and that is, by referring to the opinion of persons of unquestionable authority in all matters of this kind. The authority to which I shall refer is that of Mr. Burke; and I think the House will, when they hear his opinion, admit, that nothing can be more applicable to the present case of Ireland than his words are, as contained in his "Thoughts on Popular Discontents." He says, "In all disputes between the people and their rulers, the presumption is at least upon a par in favour of the people."—"When popular discontents have been very prevalent, it may well be affirmed and supported, that there has been generally something found amiss in the constitution and in the conduct of government. The people have no interest in disorder. When they do wrong, it is from error, and not from crime; but with the governing part of the state it is far otherwise." Here is the opinion of Mr. Burke, and one more applicable to show the futility of the position of the noble lord, and to direct the House how to judge correctly upon the disturbances of Ireland, could not exist. The length of time for which popular discontents have been prevalent in Ireland shows, beyond all doubt, that they are not directed against property, but that there is something amiss in the constitution and in the conduct of government.

But, Sir, however unfounded the doctrine may be, that the insurrections are wholly against property, it is no doubt true, that there exist many appearances to make this doctrine seem to be correct; particularly with those who are not locally acquainted with Ireland, or who do not possess the means of unravelling circumstances of a very complicated and almost incomprehensible nature. It is quite true, that the first outrages of the insurgents are uniformly directed against the owners of property, or the laws for regulating it; and the commencement of every disturbance may almost always be traced to some matter of rents or tithes. In the manner of managing these descriptions of property in Ireland, there frequently occur great provocations to excite the resistance and the revenge of the lower orders. But their efforts very soon cease to be limited to the mere objects of retaliation and redress, as connected with the immediate and pressing grievance. The disturbance, that begins on one estate, spreads rapidly over the parish, then over the county, then over the adjoining counties; and no connection at last is to be traced between the settled course of disturbances and the original provocations. This is the regular progress of the disturbances: and the true point to ascertain is, why local commotion spreads so rapidly? This readiness to embark in insurrection; the practice of administering secret oaths, that meets with so much support and protection, though exposing the parties to transportation; the associating together under engagements to be ready to come forward when called upon, and to use every means of obtaining arms; the long succession of disturbances, all managed on the same plan; and the open insurrections, which have actually taken place against the government; all serve to place it beyond dispute, that something, as Mr. Burke says, is amiss in the government, and that some deep-seated discontent possesses the minds of the whole people.

But even if the doctrine were correct, that the disturbances of the south of Ireland are wholly directed against property, what is the source of the spirit of insurrection, which belongs to the association of Ribbon-men, that is wholly distinct and unconnected with these disturbances? This society has been growing up for several years: a great portion of the people are embarked in it. The plan of it is well adapted to the management of the physical force of the country. It is founded on the plan of the conspiracy of 1798, and has the same objects. It is making a progress, that, unless something be done to suppress it, the whole country will be formed into a secret conspiracy against the government. This, in point of fact, is a conspiracy a vast deal more formidable than the open disturbances in the south of Ireland, and therefore the more particularly requiring the attention of government and of parliament; but no one can show a single instance in which it is directed against rents, tithes, or taxes, or any description of property.

The great importance, Sir, of every thing that is said by the first minister of the country, in respect to the affairs of Ireland, makes it necessary for me to refer to the remedies which he proposes for its disorders. The noble lord says, "Amelioration is to be accomplished by education of the lower orders, by inculcating principles and encouraging habits of order and tranquillity." "All experience," his lordship says, "shows, that this was the best and only remedy." The *modus operandi*, which is to accompany this remedy, is what I really cannot comprehend. How is education to bring about this amelioration? The body, on which it is to be applied, consists of millions of people, highly educated already in all the mysteries and practices of insurrection; with their minds full of established hatreds and animosities; too old to go to school, and too hardened in long established habits to be influenced by good advice and admonition. Education, it is very true, cannot be too much cultivated and extended in Ireland; but its use will be through its influence on the rising generation, and limited to their improvement.

But the noble lord, in proposing education as a proper remedy, not only proposes what is impracticable as a remedy, as it relates to the actual participation in the existing disturbances, but advances a doctrine, that is not to be supported by any sound principle of government. Because all experience, and the authority of all the best writers on government, establish this maxim, that the manners of a people are always formed by the laws under which they live. To the laws, therefore, the noble lord should look for the sources of the existing manners of the people of Ireland; and to an alteration of these laws for that amelioration in the condition of that people, which he says is to be accomplished only by education.

An hon. member (Mr. John Smith), who on all occasions, when Ireland is the subject of debate, expresses such liberal and kind feelings for its welfare, mentioned Scotland, in the last debate on the Insurrection act, as illustrative of the effect of education in correcting the savage and insurrectionary manners of a people: but the hon. member is not historically accurate in connecting effects with their proper causes. The case of Scotland is this: Fletcher of Saltoun relates, that the lower orders, about the end of the seventeenth century, were in a condition of perfect barbarism and lawlessness; but the frightful catalogue of vices which he enumerates, were to be traced, and have always been traced, to the misconduct of government. The state of society which then existed was the natural consequence of arbitrary government, and of the attempts which were made to subvert the religion of the people by the most cruel persecutions. This was the source of the evil. The remedy was not education; but such a change in the laws, as restored and established the religion of the country. It was this act of conciliation and concession, that put an end to the civil commotions of Scotland, and laid the foundation for that state of order and tranquillity, which has since made the union between Scotland and England so great a blessing to both countries. It is no doubt very true, that education has had a great share in civilizing Scotland; but without the preparatory measure of removing political discontent, every one must see that education could have done but little.

But again, in respect to Scotland, let it be remembered, that the education of that country is confided to the management of the Scotch people, and their own clergy; and that no minister has yet proposed to form a plan for educating the people of Ireland, by giving the necessary means to the Catholics, and to the Catholic clergy.

Some statesmen have not hesitated to say, that the source of all the disorders of Ireland was to be found in her absentees; but this is a very loose way of accounting for an evil of so great magnitude. This case of the absentees has been very much misrepresented and exaggerated. In the first place, it is a great mistake to say, that the absentees injure Ireland in respect to her improvement in wealth, because it is precisely the same thing, whether articles of the produce of Ireland are purchased by the landlord in Ireland, or purchased to be exported, to meet his drafts for his rents. It is true, the country suffers from absentees, by losing their assistance as magistrates, and their example as men of education. But, in a great many parts of Ireland, their places are supplied by resident landlords, or by respectable agents.

It is not rich resident landlords that are wanting in Ireland, so much as making the middle classes satisfied with their situation, and inducing them to take that active part in society, which enables them so effectually to assist in the administration of the laws, and in preserving the habits of the people. There is, throughout Ireland, a very numerous and respectable middle order of people; but they are highly discontented with the laws, and neutral between the people and the government. In respect to the absentees, this may be farther observed, that, in the counties at present the most disturbed, there are more resident gentlemen than in any other part of Ireland. But, in proportion as the number of absentees is an evil, so is it of importance to establish tranquillity, as nothing contributes so much to make new absentees as these disturbances.

There is another description of statesmen, who say, that the only way of putting down disturbances in Ireland is by finding employment for the people. But these statesmen overlook all the great principles of political science, and of political economy, upon which the general employment of the people depend. There must exist funds for paying them; but how are these to be created? Not by private subscriptions, or grants of parliament: these are ridiculous inventions for finding employment for a population of seven millions. Funds for employing the people of Ireland depend upon her markets, the profits of capital, and the accumulation of capital. The process of acquiring them is necessarily slow. Nations rise only by degrees out of poverty, and struggle for many years before such a state of things arrives, as admits of a full employment of the whole people. England herself cannot find employment for her whole people. All we can do, in regard to Ireland is, to remove obstructions in the way of industry, of trade, and of the investment of English capital in Ireland. And the most direct way of doing this is, by composing discontents, reconciling the people to the government, and establishing security of persons and property in Ireland.

So much stress is laid upon these supposed causes of disturbances, by persons of name and authority, and so much injury is the result of erroneous theories concerning them, particularly when they govern the conduct of several members of the cabinet, that too much pains cannot be taken to expose their true character, and to get the public mind to come to a correct judgment upon the real causes of the disorders. The common error, which is made by the authors and supporters of these theories, is, that they take a very superficial view of the circumstances of Ireland, and build their conclusions on local and temporary outrages. They judge from the proximate excitements of disturbance, and connect only the apparent existing grievance with the consequent outrage belonging to it. They do not take into account the prepared state in which the minds of the people are to join in any commotion, whatever may be the casual or peculiar incident that has occasioned it. They never take into their consideration this question, which was so ably put last year by the right hon. gentleman, the member for Inverness (Mr. C. Grant), in his excellent speech on the state of Ireland * —What is the reason why local commotion spreads so rapidly in Ireland? They wholly forget, that this case of national disease may be one of the mind, of strong feelings, and even of wounded pride. They also make this great mistake, that they think the whole difficulty consists in keeping down the lower orders, because they see only the lower orders concerned in the disturbances; whereas the middle classes are, in point of fact, a main part of the question; for in Ireland, as in all other countries, it is by the aid of the middle classes only that the lowest are governed, and brought either to oppose, or to be contented with the laws.

I have dwelt, Sir, at some length upon the examination into the causes, which may be called the popular causes, that are so generally set forth to account for the disturbances in Ireland, because I am convinced, that the case of Ireland will never be rightly understood, until the whole of them are exposed and abandoned.

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* See Vol. vi, p. 1500, of the present Series. Mr. Grant, having filled the office of chief secretary to the lord-lieutenant of Ireland for three years, is in every respect fully qualified to come forward as a witness upon the nature and causes of the disturbances in Ireland. His speech contains a most able exposition of them, and should be read by every one anxious to become acquainted with the affairs of Ireland. The great difference that exists in the opinions of the chief secretary and the present prime minister is peculiarly striking.

By serving to present something like a proper explanation of the sources of the evil, they do great harm, inasmuch as they prevent inquiry from being carried sufficiently far to be able to discover what are the true sources. Tithes, rents, want of education, absentees, unemployed poor, each and all of them no doubt serve to aggravate the evil; each is a great provocation, but they are not the causes of it. For let us suppose all to be done that can be done to afford relief in each particular case, can any one feel the smallest confidence, that an end would be put to the disturbances of Ireland? In point of intelligence and wealth, the country would certainly be greatly improved; but, unless the political condition of the people be changed, if they continue to think they are placed in a condition of political inferiority and exclusion, will not this increased intelligence and wealth make them still more formidable than they now are?

To arrive at the true source of the evil, and to understand what is likely to prove a proper remedy, more enlarged principles must be referred to, and the state of the Irish people must be examined according to those rules which the experience of what has occurred in all other countries has established as safe and sound rules for governing mankind. Among those persons who have taken a public part in the affairs of Ireland, there is a class who differ altogether from those to whom I have been alluding in the way of accounting for the disturbances in Ireland; but unfortunately, in my opinion, they have been but too little attended to. This class conceives the long-continued series of disturbances, resembling each other so entirely in character and execution, must necessarily be the offspring of some uniform, continual, and universal national feeling, originally excited, and afterwards established, by political events having one general influence upon it; and they look back to the history of Ireland for an explanation of those events, and for the cause of this national feeling.

This historical case may be stated in a very few words, without any risk of inaccuracy, or any possibility of refutation:—Beginning from the year 1600, we know, that the whole of that century was a century of war, bloodshed, and spoliation: during that century, nearly the whole landed property of the island changed masters by confiscation. The entire area of Ireland is reckoned at twelve millions of Irish acres; and of that number, lord Clare states, that eleven millions and a half underwent confiscation in the course of the century. The necessary consequence of these events was, that the seventeenth century closed, by leaving the deepest discontent and hatred towards England. By this reference to history, the first fact is established, of great consequence in tracing the causes of the existing disturbances; namely, that at the end of the last century the people of Ireland were possessed of the most fixed and most general feelings of discontent and hatred towards England; and, this being the case, I ask, what has been done, what change of system thas taken place, since that period, at all calculated to remove this discontent and hatred?

Certainly, nothing took place during the first seventy-eight years of the eighteenth century, to alter the feelings of the people of Ireland, but, on the contrary, a vast deal, farther to exasperate them. For, immediately after the final conquest of Ireland by William 3rd, that code of laws was commenced which formed that abominable anti-catholic code, which had for its object to deprive the Catholics of all political power and privileges, of the means of acquiring and preserving property, of education and of religion. And as no change in this policy of governing Ireland was made until the year 1778, it is evident that no alteration, up to that time, could have taken place in the feelings of discontent and hatred of England, which existed at the end of the seventeenth century.

But, Sir, the tendency of this penal code to keep alive discontent and hatred towards England was greatly aggravated by the direct violation, which these penal laws effected, of the treaty of Limerick, under which Ireland was surrendered by the generals of James to king William. The House, and the people of this country, should always remember, that the conquest of Ireland by William was not complete, until he entered into terms with the Irish generals, and through them with the people of Ireland. The conquest of Ireland occupied William two years and two months: several severe battles were fought, and the first siege of Limerick had failed. Until it surrendered, a great portion of Ireland adhered to James. The besieged were in a condition to have held out longer; and, had they done so, they would have been relieved by large reinforcements from France, a French fleet having arrived in Dingle Bay three days after the capitulation. Had William failed in obtaining possession of Ireland just when he did, it is possible that he would never have surmounted the difficulties of establishing the Revolution; so that, in point of fact, the surrender and treaty of Limerick are very much connected with the success of that great measure.

I will now explain to the House the terms of this treaty. By the first article, "The Roman Catholics of this kingdom (Ireland) shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of Charles 2nd: and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics such farther security in that particular as may preserve them from any disturbance on account of their religion." Now, Sir, in the reign of Charles 2nd, the Catholics sat in parliament, and could fill all the civil offices of the state; they were excluded only from corporations.

The ninth article of the treaty is to this effect: "The oath to be administered to such Roman Catholics as shall submit to their majesties' government, shall be the oath aforesaid, and no other;" namely, the oath of allegiance made in the first year of the reign of William and Mary.* As the penal laws against the Catholics derive all their force, by requiring oaths and declarations which are wholly different from this oath of allegiance, namely, the oath of supremacy, and the declaration against transubstantiation, it is quite evident they were direct violations of the treaty. No one can doubt, that the object of the Irish generals, who proposed the conditions of the treaty, was, to secure the rights and privileges of the constitution: this was the consideration for which they surrendered Ireland to William and to England; and such would have been the necessary consequence of a fair fulfilment of it. But in place of this result, the penal laws excluded the Catholics from the constitution, and left it only in the possession of the Protestants, thereby not only taking away what the Catholics had a right to have, but giving to the Protestants a superiority over them, and every kind of arbitrary power to enforce the penal laws with rigour against them. This is the basis on which the government of Ireland was formed at the Revolution. The same system of government has existed ever since: a government established on the principle of excluding six millions of the people from those rights and privileges which had been guaranteed to them by the solemn act of a king of England. May I not ask, is it not very probable, that all the misfortunes which have befallen Ireland during the last 130 years, and which now afflict her, would have been prevented had faith been kept with the Roman Catholics?

I am very well aware, Sir, that the construction which I am now giving to the treaty of Limerick is not the construction given to it by some other persons. A Mr. Browne, formerly representative of the university of Dublin, and Dr. Duigenan, published laboured pamphlets to endeavour to show, that all that was guaranteed to the Catholics was the toleration of their religion: but let those gentlemen who wish to see the treaty fully explained, read in Curry's Civil Wars of Ireland the arguments of sir Theobald Butler, Mr. Malone, and sir Stephen Rice, at the bar of the Irish House of Commons, against the popery laws, and they will see how full of sophistry these writings are of Mr. Browne and Dr. Duigenan.

'That the Catholics considered and complained of the penal laws as a violation of this treaty is proved by the effort they made, with the assistance of these learned and able counsel, to stop them from passing. Their endeavours were in vain; for the Irish parliament, in defiance of all faith and decency, broke through all the engagements under which Ireland had been surrendered to England. But the publication of Mr. Burke's posthumous works has put an end to all controversy concerning the treaty of Limerick, as it is impossible to refute the arguments which he sets forth to prove the violation of it. In the Tracts on the Popery Laws, he says, "It will now be seen, that even if these laws could be supposed agreeable to those of nature in these particulars, on another and almost as strong a principle they are yet unjust, as being contrary to positive compact, and the public faith most solemnly plighted. On the surrender of Limerick and some other Irish garrisons, in the war of the Revolution, the lords justices of Ireland, and the commander-in chief of the king's forces, signed a capitulation with the Irish, which was afterwards ratified by the king himself, by *inspeximus* under the great seal of England. It contains some public articles relative to the whole body of the Roman Catholics in that kingdom, and some with regard to the security of the greater part of the inhabitants of five counties. What the latter were, or in what manner they were observed, is, at this day, of much less public concern. The former are two, the 1st and 9th: the 1st is of this tenour: 'The Roman Catholics of this kingdom (Ireland) shall enjoy such privileges, in the exercise of their religion, as are consistent with the laws of Ireland, or as they did enjoy in the reign of Charles the 2nd; and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholics such farther security in that particular, as may preserve them from any disturbance on account of their religion.' The 9th article is to this effect: 'The oath to be administered to such Roman Catholics as submit to their majesties' government shall be the oath aforesaid, and no other,' &c. viz. the oath of allegiance, made by an act of parliament in England, in the first year of their then majesties, as required by the second of the articles of Limerick." "Compare," says Mr. Burke, "this latter article with the penal laws, and judge whether they seem to be the public acts of the same power, and observe whether other oaths are tendered to them, and under what penalties. Compare the former with the same laws, from the beginning to the end, and judge whether Roman Catholics have been preserved, agreeably to the sense of the article, from any disturbance upon account of their religion: or rather, whether on that account there is a single right of nature, or benefit of society, which has not been either totally taken away, or considerably impaired."

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* "I, *A. B.*, sincerely and solemnly swear, that I will be faithful, and bear true allegiance to their majesties king William and queen Mary. So help me God."

"But," proceeds Mr. Burke, "it is said that the legislature was not bound by this article, as it has never been ratified in parliament. I do admit it never had that sanction, and that the parliament was under no obligation to ratify these articles by any express act of theirs. But still I am at a loss how they come to be less valid, on the principles of our constitution, by being without that sanction. They certainly bound the king and his successors. The words of the article do this, or they do nothing: and, so far as the Crown had a share in passing those acts (the penal laws), the public faith was unquestionably broken. But," continues Mr. Burke, "the constitution will warrant us in going a great deal farther, and in affirming that a treaty executed by the Crown, and contradictory of no preceding law, is full as binding on the whole body of the nation as if it had twenty times received the sanction of parliament; because the very same constitution which has given to the houses of parliament their definite authority, has also left to the Crown the trust of making peace, as a consequence, and much the best consequence, of the prerogative o making war. If the peace was ill made my lords Galway, Coningsby, and Porter, who signed it, were responsible, because they were subject to the community But its own contracts are not subject to it, it is subject to them: and the compact of the king, acting constitutionally, is the compact of the nation. Observe what monstrous consequences would result from a contrary position. A foreign enemy has entered, or a domestic one has arisen in the nation. In such events, the circumstances may be, and often have been, that parliament cannot sit. That was precisely the case in that rebellion of Ireland." Vol. ix, p. 377.

With such an authority as that of Mr. Burke, I may with safety say, that there was a violation of the treaty of Limerick by the enactment of the popery laws; and no one can doubt, that these laws must have contributed to the continuing that discontent and hatred to England, which had been established by the events of the seventeenth century. As new penal laws against the Catholics were passed through all the reigns preceding that of Geo. 3rd, and as no change whatever took place till the first act for giving relief, in 1778, it is, therefore, correct to infer, that nothing had happened, up to that period, to abate the discontent and hatred of Ireland towards England.

I will now, Sir, examine, whether, from the year 1778 to the present time, any political occurrences have taken plac of such a nature as to enable us to suppose, that at this moment there exist less discontent and less hatred to England in Ireland, than at former periods. It is, no doubt, true, that the late reign was distinguished by many very valuable concessions to Ireland. The act of 1793 was unquestionably a great favour conferred upon the Catholics. But the effects which ought to have followed those measures have never taken place. The liberal and kind intentions of the king, and of parliament, have been intercepted by the old hostile spirit of exclusive government which has had possession, almost without interruption, of all power in Ireland; and the consequence has been, that new discontent has arisen, from no practical enjoyment being allowed of the benefits which were intended to have been given by the relief acts: so that the public mind has been occupied almost perpetually, with the numerous evils which have been the consequence of the efforts and insults of the Orange associations, rather than in estimating, very justly, the value of what has been conceded.

Besides, it has unfortunately happened, that, just when the system of legislation became more conciliatory, in respect to the popery laws, it became very sanguinary and severe in punishing popular excesses. The White-boy act, the Tithe acts, the Insurrection and Martial-law acts, which in succession were passed during the late reign, have kept alive, in full vigour, all the old hatred and hostility to the English law and government; and, therefore, what between the effects of the administration of the Irish government being in the hands of the Orange party, and of these sanguinary laws, we are obliged to draw this conclusion, in respect to the present temper and feelings of the people of Ireland towards England, that there exists no reason for supposing, that it is less hostile now than it was at the end of the seventeenth century.

In coming to this conclusion, Sir, I have the sanction of the authority of the present and last chief secretary to the lord lieutenant of Ireland. The late chief secretary (Mr. C. Grant), in his speech last year, describes the vivid recollections of past history, and the force and intensity of mental associations, which distinguish the lower orders of the people. The present chief secretary (Mr. Goulburn), in his speech last year, on sir John Newport's motion, gave to the House a very accurate description of the origin of the disorders of Ireland; and, had he followed out his own facts to their proper conclusion, he would have given the same description of the sources of the existing disorders as I now do. He said, "A bitter animosity existed to the English government, that had been handed down, since the conquest of Ireland, from father to son, and which at this moment pervaded the minds of the Irish peasantry."—"Up to that very moment," he said, "the conduct which had been pursued, in the conquest of Ireland, was referred to in that country as a just ground for hatred of the existing government."

In addition to these authorities, I am able to refer to the Catholics themselves; for they say, in the late address, agreed upon to be presented by the Catholic body to the king, "The main vice of the system of misrule is the system of hostility to the law, in which it places the great majority of the people." This hostility, this bitter animosity, this discontent and hatred, which were general in Ireland at the end of the seventeenth century, which were continued by the popery laws, and which have farther been continued by bad government, and by coercive laws, and which exist up to this very moment against England, form that deep-seated disease which is the source of all commotion and disturbance, and which we have now to attempt to cure. This is the evil we have to contend with, we must cure this, to put down disturbances. This is my opinion, after long deliberation, after seeing and knowing the people, tracing events, and examining them in all ways; an opinion, which, I feel confident, is borne out by the actual circumstances of Ireland.

Then, Sir, I feel that I may safely say, that none of those remedies, which are commonly proposed, can be of any avail; not any of them will serve to conciliate the feelings of the people, so long estranged to the English government. As to the Insurrection act, and measures of that kind, they can do no good; for measures of force have in no country removed discontent, when it has once got fast hold of the public mind; on the contrary, they have always increased it, and made the evil take deeper root.

To treat, therefore, the case of Ireland properly, we must begin by acknowledging, that the people have had great cause to be discontented, and to be hostile to the English law and English connexion; we must consider it as beyond all dispute, that this discontent and hostility exist, to as great a degree as ever, at the present moment; and we must adopt those measures which have been so often successful in this country when similar disorders have prevailed. The history of England, fortunately, is not without precedents to point out the proper remedy in such a case. This country has often been rent asunder by internal commotion; but, as the refusal or withdrawing of some constitutional right has always been the cause, so the concession of the right has always proved a remedy. The case of Wales resembles that of Ireland in a very remarkable degree. It was not considered a part of the realm. It was governed by lords marches in a very arbitrary manner. The people were fierce and uncultivated, and in constant disorder. Severe laws were passed, but to no purpose; until, in the reign of Henry the eighth, the English constitution was given to Wales, and then all disorder ceased, and the country became tranquil and happy.*

Now that every attempt that has hitherto been tried to put down disturbance and to check the spirit of insurrection in Ireland has failed, and that the disorders are increasing and becoming most formidable, would it not be wise to change the system of government, and see whether the giving to Ireland the constitution would not have the same good effect that it had in Wales? This experiment has never yet been tried, though often promised, and surely there exist abundant reasons for no longer deferring it. But, Sir, when I intimate an opinion, that the proper remedy for the disorders of Ireland is the giving of the constitution, I am fully sensible that I tread on disputable ground: that there are those who maintain, that Ireland possesses the English constitution; and, what is rather curious, they date the period of its origin at the Revolution, when the treaty of Limerick was violated by the passing of the popery laws.

Now, I have no hesitation in asserting,

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* As in the course of the debate it was asserted, that the case of Wales did not apply to that of Ireland, the following extract from Mr. Burke's Speech on America will serve to refute this assertion. "I am sure," says Mr. Burke, "I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution;"—"and consulting at that oracle," he says, "I refer to the example of Wales." "This country," he proceeds to say, "was said to be reduced by Henry the third. It was said more truly to be so by Edward the first. But though then conquered it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed, and no good one was substituted in its place. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion."—"Sir," Mr. Burke says, "during that state of things parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. When the Statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales. Here we rub our hands. —A fine body of precedents for the authority of parliament and the use of it! I admit it fully; and pray add likewise to these precedents, that all the while Wales rid this kingdom like an incubus: that it was an unprofitable and oppressive burthen." Your ancestors did, however, at length open their eyes to the ill husbandry of injustice. They found, that the tyranny of a free people could, of all tyrannies, the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the 27th year of Henry the eighth, the course was entirely altered. With a preamble, stating the entire and perfect rights of the crown of England, it gave the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, the grant of their own property, seemed a thing so incongruous, that eight years after, that is, in the thirty-fifth of the reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales, by an act of parliament. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization followed in the train of liberty. When the day-star of the English constitution had arisen in their hearts, all was harmony within and without.

——"Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor:
Concidunt venti: fugiuntque nubes;
Et minax (quod sic voluere) ponto
Unda recumbit."

Parl. Hist. v. 18, p. 512.

in the most unqualified and positive manner, that Ireland does not enjoy the English constitution. Six-sevenths of the people are deprived of many of its most essential privileges, but particularly of that right which forms the fundamental security of English liberty—the right of representation. Nominally the constitution does exist in Ireland. The great bulwarks of English liberty are by law established there, but they exist only by name, except for the benefit of a few. There are juries, there are the Habeas Corpus act, the elective franchise, and representation by counties and boroughs: but let it be remembered under what exceptions and qualifications, and in what way the constitution is administered! No one can deny, that the administration of it may totally alter its character and its real efficacy. In point of fact, no one thing can be more unlike to another thing, than the constitution as it exists in Ireland is to the constitution as it exists in England. Those great principles of morals and public virtue, which direct in England the constitution in all its operations, are yet to be acquired in Ireland; and perhaps it may safely be said, that that party in Ireland, who have exclusively held the power of the state in their own hands, are distinguished beyond all other men by being little subject to the influence of these great and valuable moving principles.

But, Sir, the best tests in a question of this kind are the actual facts belonging to it. Take the Catholics of Ireland; do they really enjoy the practical benefits which all Englishmen enjoy under their constitution? How many rights are taken from them by law? What are the effects of those privations? Are they on a footing of equality with their fellow countrymen? Do they not really live subject to the tyranny of a part of the people; that is, to the worst of all tyrannies—the tyranny of a free people?

The truth is, that being deprived of representation by persons of their own persuasion, they are deprived of the fundamental security of English liberty. They are in that state in which Wales was described to be; a nation having a right to English liberties, and yet no share in the fundamental security of those liberties—the grant of their own property. True it is, that Catholics may vote at elections, and send Protestant representatives to parliament; but this sort of virtual representation is not sufficient. No Protestant can represent Catholics, in the spirit and meaning of English representation. There must be an actual identity and sympathy in all respects between the constituent and the representative; and the truth and importance of this intimate connection cannot be better illustrated than by the actual condition of the Catholics; for had Catholics been allowed to sit in parliament, would it have been possible to keep on the Statute book the numerous vexatious and grievous laws which still exist there? And could a small party of Irishmen have been allowed to exercise all the powers of government in the way they have done over six-sevenths of their countrymen? Mr. Burke illustrates the necessity of real representation by referring again to Wales, when speaking of America. He says, Wales, Chester, and Durham were surrounded by abundance of representation, that was actual and palpable. "But," he adds, "your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories, that are so near and comparatively so inconsiderable; how then can I think it sufficient for those which are infinitely greater and infinitely more remote?" Ireland, then, like Wales, Chester, and Durham, must possess the right of real representation, before, like them, she will properly possess the English constitution.

But, Sir, if what I have already advanced is not sufficient to establish the case, that Ireland does not possess the English constitution, and that the proper remedy for its disorders will be, the giving of the constitution to her, I shall be able, without the possibility of failure, to establish both these points by referring to what took place at the time of the Union. For I shall be able to show, that Mr. Pitt must have acted under the impression, that Ireland did not possess the constitution; and also, that his main object in carrying that measure was, to give to Ireland the constitution.

Mr. Pitt, in his speech of the 31st of January, 1799, says, of Ireland, "Whoever considers the state of Ireland, in the hostile division of its sects, in the animosities existing between ancient settlers and original inhabitants, in the unfortunate degree of want of civilization, which marks that country more than almost any other country in Europe, must agree with me in thinking, that there is no cure, but in the formation of a general imperial legislature." And in his speech of April 21, 1800, he distinctly points out the method by which this imperial legislature will operate this cure. Mr. Pitt says, "We must look to this measure (the Union) as the only measure we can adopt, which can calm the dissentions, allay the animosities, and dissipate the jealousies, which have existed." "As a measure to give to Ireland a full participation of the constitution of England."

These sentiments Mr. Pitt embodied in a more official and authoritative manner in the various addresses of the Houses of Parliament at this time, and in the King's speeches. The following extract is taken from the joint address of both Houses of the British Parliament on carrying up to the Throne the resolutions on which the Union act was founded, "We entertain a firm persuasion, that a complete and entire union between Great Britain and Ireland, founded on equal and liberal principles, on the similarity of laws, constitution, and government, by promoting the security, wealth, and commerce of the respective kingdoms, and by allaying the distractions which have unhappily prevailed in Ireland, must afford fresh means of opposing at all times an effectual resistance to the destructive projects of our foreign and domestic enemies, and must tend to confirm and augment the stability, power, and resources of the empire."

The following is extracted from the King's Speech, on proroguing parliament on the 29th of July, 1800, after the passing of the Union: "This great measure I shall ever consider as the happiest event of my reign, being persuaded, that nothing could so effectually contribute to extend to my Irish subjects the full participation of the blessings to be derived from the British constitution, and establish on the most sure foundation the strength, prosperity, and power, of the whole empire."

Here, Sir, we have the Union declared by Mr. Pitt to be a measure *to give* to Ireland a full participation of the constitution of England, proposed by both Houses of Parliament, as a measure to secure to Ireland a similarity of laws, constitution, and government, and acknowledged by the King as of paramount importance, because it *will* contribute to *extend* to his Irish subjects the full participation of the blessings to be derived from the British constitution. That is, after a faithful description of the evils existing in Ireland, Mr. Pitt, as prime minister of England, proposed, as the only remedy of them, the giving to Ireland the laws, constitution, and government, of England. His opinion and his plan were adopted by the three branches of the legislature; and now, if the present state of Ireland be precisely the same as it was in 1799, in the hostile divisions of its sects, in the animosities existing between ancient settlers and original inhabitants, in the unfortunate degree of want of civilization which marks that country, and if the constitution never yet has been given to Ireland, why should we not now try Mr. Pitt's remedy, of giving to Ireland the laws, the constitution, and the government, of England?

It is now twenty three years since the Union passed, and no single act or thing has been done towards extending to Ireland the English constitution. The Union did no more than extinguish the Irish parliament. The laws, the executive government, the administration of justice were left untouched; and when the whole case is calmly investigated, can any one doubt, that the failure of the Union to effect any thing towards putting and end to internal disorders is owing to the neglect of parliament, in not following up the Union with those measures which Mr. Pitt intended to propose as consequential to it? No one can say, that Mr. Pitt intended by the mere act of union to accomplish the objects he had in view. The King's speech of 1800 describes the Union as a measure, that *will* contribute to extend to Ireland the constitution. It looks to future measures for producing any good effect; and Mr. Pitt himself, in explaining, in 1801, the cause of his resignation, distinctly declares, that Catholic Emancipation was necessary to complete the Union; and he resigned because he could not propose it as a measure of government.

In speaking upon the affairs of Ireland, particularly concerning the disturbances, it is of vast importance to bear in mind the policy which Mr. Pitt adopted, as the first minister of the Crown. In 1793, he gave to Ireland the law that admitted Catholics into the elective franchise, to the magistracy, to juries, and to a great number of civil offices. In 1795, he sent lord Fitzwilliam to Ireland to open parliament to the Catholics; a bill was brought in, with only three dissentient voices, before the high Protestant party prevailed, and obtained the recal of lord Fitzwilliam. In 1799, he proposed the Union, to give to Ireland, on equal and liberal principles, the constitution of England: and, in 1801, he resigned his office, because he met with circumstances which rendered it impossible for him to propose full concessions to the Catholics as a measure of government. Mr. Pitt's policy is thus proved to have been a continual effort to conciliate the Catholics, by giving to them all the rights and privileges of the constitution. He, therefore, it is evident, must have considered the disturbances of Ireland as of a political character, having something wrong in the laws for their source. And yet we now see those ministers, who profess to act upon his principles, attempting to persuade parliament, that there exists no connection between the disturbances and the government of Ireland: that the exclusion of six-sevenths of the people from the constitution has nothing to say to the disturbances: that it is a contest between poverty on one side, and property on the other, and that time alone can effect a cure of the evils which belong to society in Ireland.

But what occurred at the time of the Union is not only of importance because it so fully explains what were the intentions of Mr. Pitt and of the British legislature in passing it, but also because it held out certain conditions, and was accompanied with certain arguments to induce the people of Ireland to adopt it. The people of Ireland were in possession of an independent legislature, and they were not disposed to value it lightly, or to surrender it without valuable considerations. They examined the condition of their country, and yielded themselves up to the arguments and proposals of Mr. Pitt; and, believing that the possession of the English constitution would remedy their divisions and animosities, and civilize and enrich the people, they allowed him to succeed in forming an imperial legislature.

The Protestants, generally, opposed the measure, but the Catholics as generally supported it; and, had it not been for their support, it is now universally admitted, that the measure could not have been carried. They were the party to whom the possession of the constitution was every thing, in place of an Irish parliament; and they are now that portion of the people who have the strongest claim upon the imperial parliament to fulfil the conditions of the Union.*

I have now, Sir, endeavoured to show, to what a great extent disturbances actually exist in Ireland. I have traced their connexion with the successive disturbances that from time to time have broken out since 1792: and I have proved, that the administering of oaths requiring secrecy, and requiring the party to be ready to join when called upon, and the obtaining of arms, have been common to all the disturbances. In respect to the causes of the disturbances, I trust I have completely succeeded in showing how great an error it is, to suppose that they arise from a struggle between poverty and property, and those minor matters which are so frequently set forth as sufficient causes to account for them. In the various remedies which have been offered, I cannot bring myself to place any confidence; for though education may do a great deal to improve the habits of the growing generation; though the residence of landlords is most desirable, and would prove very useful; and though the employing of the people would be most satisfactory, these things would only tend to mitigate the tendency to disorder, and to make the periods between open disturbances somewhat longer, but they would not cure the evil, and establish permanent tranquillity.

Nothing but the remedy which is sanctioned by the names of Mr. Burke and Mr. Pitt, and all other statesmen who have held the highest station in this country; which is supported by the precedents of Scotland and of Wales, namely, the giving to Ireland the laws, constitution, and government of England, will prove effectual. If this remedy were applied, and if the people of Ireland actually felt the same protection and advantages from the constitution that the people of England derive from it, they would respect it, and support it with equal interest and attachment. They are by no means insensible to kind treatment; and there can exist no reason for supposing, that there is any thing so different and perverse in their nature, as to prevent the enjoyment of the constitution from producing all the same effects in Ireland as it produces in England.

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* The following extract, from a speech of lord Grenville in the House of Lords in 1816, was omitted to be referred to, and is now added, to show the light in which he, one of the leading promoters of the Union, considered it to be offered to Ireland.

"Every part of the soil of Ireland, every person inhabiting that soil, were justified in seeking redress, not soliciting it at their hands, but demanding it as a right. Why did they unite with Ireland, unless they meant to give her a Union in the advantages and participation in the constitution of this country, as well as in the name? When they consented to the Union, they were bound, in the sight of God and man, to provide for the happiness of that country; and, unless they faithfully discharged that duty, they usurped a power over it they had no right to exercise."—*Parliamentary Debates*, 1816.

I have, Sir, under the peculiarly alarming circumstances in which Ireland is now placed, felt it to be my duty not to suffer the session to close, without endeavouring to induce the House to make that inquiry which seems to me to be absolutely necessary. If I had not done so, and if any great calamity should take place, the House would be fully justified in saying, Why did no Irish member give us warning of our danger? I have now relieved myself from this responsibility; and I conclude by saying, that I earnestly beg the House will recollect, that the concession of the constitution to the people of Ireland is not only right on principles of policy, but that, as British subjects, it belongs to them as their birthright; and that, by the treaty of Limerick, and the compact of the Union, it has been twice solemnly granted to them. I now, Sir, move, by way of amendment, "That a Committee of twenty-one Members be appointed, to inquire into the extent and object of the Disturbances existing in Ireland."

Mr. *Grattan* seconded the motion. The system of governing Ireland by force had, he said, been tried long enough to prove that it was of no effect. Every means having the character of coercion had been readily granted by parliament. Insurrection acts, the constabulary act, special commissions, sessions extraordinary, an addition of nine or ten thousand troops, and all had been found not to do. In two counties one half of the military force of Ireland had been busily occupied. The hopes held out of quelling the disturbances by this act never had been, nor ever would be, realized. It was not education that was wanted, for that could only make them more sensible of the effects of bad government. It was not manufactures; they had had the linen trade among them for a hundred and fifty years. It was just and orderly government, and the fair advantages of the English constitution. A measure of immediate amelioration might be applied. A modified imitation of the English poor-laws would be advisable, and a small tax on absentees might very properly make a part of the measure. The modification of tithes, in a real bona fide sense, was a measure of the first necessity. The duties of the established church should be faithfully fulfilled, and some means ought to be adopted to enforce the observance of them. The Catholic clergy should be put on a better footing, which would cost very little, and prove highly useful to the interests of religion, and conducive to the restoration of order. The committee, for which his hon. friend had moved, would give a very favourable opportunity to gentlemen of experience in the affairs of Ireland, to mature a plan of conciliation, which would be far more effectual than these extraordinary terrors of the law.

Mr. *Goulburn* said, he was sure the House would concur with him in thinking that it was quite unnecessary, either for the hon. baronet, or the hon. member who followed him, to offer any apology for delivering their sentiments upon this subject. Connected, as they were, with that part of the empire to which it particularly related, and bound as they were, as members of parliament, to watch over the interests of every part of the community, it would have been rather a dereliction of duty to have forborne an expression of their sentiments. Still less would it be necessary for the hon. baronet who moved the amendment to express doubts as to his own competence for such a discussion; for, without presuming to offer any thing like flattery to that hon. baronet, he was bound to say, that nothing had fallen from him that was not deserving of the serious attention of the House. The hon. baronet had, at the commencement of his speech, somewhat inconsistently stated, that the motion which he had now made, by way of amendment (the effect of which, if carried, would be, to prevent the second reading of the insurrection bill) was not intended to obstruct the passing of the bill, but was rather for the purpose of affording an opportunity of discussing the state of Ireland. The hon. baronet had fully admitted, that there existed in Ireland extensive and dangerous combinations against the public peace; and that such unfortunately was the prevalence of outrage in a considerable part of the South of Ireland, that the House would be justified, from the imperious necessity of the case, in passing this bill, without stopping to enter into an examination of the whole conduct of government. Indeed, it was impossible for any man, for a single moment, to contemplate the present situation of that country, without being convinced that there existed enough of difficulty and danger to require that the hands of government should be strengthened, for a limited period, with the powers which this bill gave. But the hon. baronet held another opinion, not reconcileable to this view of the subject—that, before the renewal of this act should be agreed to, it would be adviseable that parliament should enter into an inquiry of a more extended and general nature than any which had ever yet been undertaken. He wished the House to appoint a committee—not to inquire into facts and circumstances, for the purpose of convincing themselves that the emergency still existed in Ireland, which had before justified the passing this bill, for upon that point the hon. baronet had no doubt; but to go into a general inquiry, undefined as to its object and unlimited as to its extent. To such a proposition he could not agree. He must, therefore, persist in his motion for the second reading of the bill.

The hon. baronet said, he hoped that his motion would not be met with an assertion that it was brought forward at too late a period of the session to be productive of any good. The hon. baronet had very wisely deprecated that answer to his motion, because he felt its force and justice, it was in fact unanswerable. The House could not at that late period of the session, go with any prospect of advantage into such an inquiry as the hon. baronet had proposed. The House had been warned of the ill effects of refusing an inquiry into the state of Ireland. To which he would only say, that if the refusal to agree to this proposition should expose government or the parliament to misrepresentation—if they were to be told that they had refused to inquire, because their cause would not bear the light—if they were to be charged with legislating on the surface, without venturing to fathom the depths of the ocean—he was ready to submit to all the inconvenience of this misrepresentation, because he felt that an opposite course would expose the House to reproaches of a different character, to which a satisfactory answer could not be given. If they were to go into a committee as a matter of form, merely to agree to a report written by himself, or by the hon. baronet, nothing could be more easy. Such a course might delude the public, but it would be quite useless as to any practical results. But if they were to go into a committee, with a determination, seriously to inquire into all the topics which the hon. baronet had introduced into his speech—to go into the whole history of Ireland—to consider all the measures which, at different periods, had been adopted by the governments of that country, and the effects they had produced—and to inquire what connexion all or each of them had with the present disturbances in the south of Ireland—the House would consider at what time such a committee would be likely to close its labours, and whether it would be right to leave the lives and property of his majesty's peaceable and loyal subjects in Ireland unprotected, till such an investigation should be completed. The hon. baronet said, that upon such an important occasion, it was the duty of parliament to sit the whole summer. Now, if it could be made manifest to him, that it would be productive of every good to Ireland, he would willingly sit there until the period arrived at which parliament had been hitherto accustomed to re-assemble; but when he looked around him, and saw the state of the House—when he considered how few of the small number around him were Irish members—and when he knew that many of them had gone, and others were going to Ireland, not to save themselves from the fatigue of attending that House, but because their presence was necessary in that country—he could not but ask himself, whether the very elements for the formation of a committee were not wanting, and whether it would be satisfactory to any one to go into such a committee, with the certainty that if they could even assemble a committee, they would be deprived of the assistance of those gentlemen who alone could give them the best information.

He had no hesitation in agreeing with the proposition laid down by the hon.

baronet, that, where government was placed in the painful situation of proposing measures of extraordinary severity, it was their duty to make out a strong case for the necessity of such measures. He would further say, that if, after a continued series of measures of this kind, the evil which they were intended to remedy continued unabated, it might be the duty of parliament, in such a case, not to be influenced by implicit confidence in government, but to take upon itself the task of instituting a more special inquiry into the subject. If he had not himself called upon parliament to go into such an examination, it did not arise from any wish to prevent investigation, or to withhold from parliament every necessary information. But he begged the House to consider the circumstances under which the present government of Ireland had been called upon to act. When they were first entrusted with the management of its affairs, they found outrages of a very serious nature prevailing throughout Ireland. These it was their duty to endeavour to put down without delay. There was, in fact, no time for deliberation or inquiry. When, at a subsequent period, it became necessary to propose the renewal of the Insurrection act, he did not move for the inquiry, because there was a difficulty in bringing such evidence as was necessary before the House. The only persons who could give full information to the House respecting the state of the disturbed districts were, the resident gentry, the magistrates, the military, those concerned in the local government, and the police. Now, he would ask any man to look at the state of that country at the period when this act was last proposed, and say, whether it would have been prudent in government to call over to this country, for the purpose of being examined by a committee, the persons whom he had enumerated? Although he had been prevented by circumstances from instituting an inquiry himself, yet, upon principle, he had no objection to an inquiry of this kind; nay, he thought good would result from it—for, with every attention that could be given by government to the subject—and the noble lord at the head of the government had incessantly laboured to obtain it—there was much information that could only be obtained through the medium of a committee. If, therefore, unfortunately these disturbances should continue, and he should be called upon to propose a renewal of measures of severity, he assured the House, he should precede that proposition, by a motion for the institution of a full inquiry—[Cheers from the Opposition]—but he begged to be clearly understood; he wished to obtain approbation from no man by a delusive statement; he did not mean such a general inquiry as that proposed by the hon. baronet; he did not mean an inquiry, embracing all the topics which the hon. baronet had introduced into his speech; but one directed to the real causes of the evil, and limited to the parts of the country in which the evil prevailed. If he wanted any proof of the difficulty that could ensue from the adoption of any other course, the hon. baronet's speech would afford it. In the opinion of the hon. baronet, the refusal of parliament to make concessions to the Roman Catholics was the main cause of the present evils of Ireland. Knowing the feeling of the House upon that point, the hon. baronet had indeed abstained from using those precise words, but such was clearly the tendency of his reasoning. Now, to instruct a committee to inquire whether it was or was not proper to comply with the claims of the Roman Catholics, would be, in his opinion, to devolve upon a committee a duty which belonged to, and could only be performed by, the House itself.

But the hon. baronet had not confined himself to calling for a committee; he had entered into a wide field of argument, into which he thought he should best consult the convenience of the House by not following the hon. baronet. The hon. baronet had fallen into the very common and very popular error of attributing all the evils which afflicted Ireland to the misconduct of government. That assertion was, however, but little consistent with other parts of the hon. baronet's own speech. The hon. baronet had there stated, and stated truly, that the great cause of the distress of Ireland was its redundant population; but surely the hon. baronet did not seriously intend to argue, that it was in the power of the present government of Ireland to reduce this population, or that they were answerable for its redundancy! The hon. baronet had also said, that he thought it useless to look for any great benefit to arise from education. If the hon. baronet meant to state, that it was not a remedy for the prevailing system of outrage, he concurred with him; but he would do well to recollect, that Ireland was afflicted by two kinds of evils—one of them was of a temporary nature, and immediate relief might be applied to it; but the other had grown up through a long period of time, and could only be cured by the adoption of measures, the progress of which must necessarily, from the nature of the disease, be slow in their operation. The encouragement of education, with a view to a perfect eradication of the disturbances which too often prevailed in Ireland, was a matter of very great moment. When ministers spoke of the probable effects of education, they did not mean to say that it would at once put an end to the outrage and devastation which prevailed in the counties of Limerick and Cork; but they did affirm, that by persevering in the introduction of a regular system of education, not merely that of learning the people to read and write, but teaching them the due observance of their moral duties—of those duties which they owed to God and man—and proving to them, that obedience to the law was a religious as well as a moral obligation, very great benefit would result from it. He spoke this with perfect confidence, because all history bore him out in the fact. If they proceeded in such a course, the time would undoubtedly arrive when it would have its due and proper effect; and when those individuals who were now blamed for hazarding an opinion, that education would be so eminently beneficial, would receive from posterity the reward which they merited. The hon. baronet had spoken of what he denominated the parallel cases of Scotland and Wales: and he had argued, that if similar measures were adopted with respect to Ireland, as had been used with reference to those parts of the empire, the same result would be produced. But he had studiously guarded himself against admitting that education had any effect in creating the change of manners to which he alluded. He had taken care to tell the House, that it was not education which had rendered mild and sociable, people who were naturally fierce and intractable. No; the hon. baronet contended, that it was the general concession to persons of different religious opinions which had wrought the alteration. To that doctrine, however plausible, he could not agree; because he viewed the influence of education as having done a great deal in softening and improving the manners.

The hon. baronet having gone through various minor points, had proceeded to quote the breach of the articles of the capitulation of Limerick as one of the fruitful sources of discontent. This was not the first time that question had been brought forward; but there was so manifest an inconsistency in adducing such an argument at the present time, as relieved him, entirely, from the necessity of entering into the merits of that old topic. It was argued, that the articles of the capitulation of Limerick were agreed to, for the purpose of conferring on the Catholics certain benefits therein stated; and the hon. baronet asserted, that the non-performance of the terms of that capitulation had aggravated all the evils of Ireland, since severe restrictions had followed the alleged breach of faith. The restrictions to which the hon. baronet alluded were the penal laws which affected the property of the Catholics; and he laid it down as a point not to be disputed, that those penal laws were the offspring of the non-performance of the treaty of Limerick. But, the hon. baronet would have done well to have recollected, that, even if those penal laws were created in consequence of the breach of the treaty of Limerick, they had long since ceased to operate. The time had long gone by since this country had atoned for the breach (if it were one), by repealing those very penal laws; and, though he agreed with the hon. baronet, that political hatred and animosity, when once engendered, did not speedily subside, yet it would have been well if he had shown why, after such a series of benefits as had been conferred by this country on Ireland, the alleged breach of the articles of Limerick should be so tenaciously held in memory.

He had intended to confine himself to the proposition of the hon. baronet: but he had felt it necessary to make some observations on different parts of his statement. He thought it was impossible to procure any satisfactory information on this subject from those whom it was now in their power to examine; and therefore he considered the appointment of a committee to be unnecessary. He should himself be ready, on some future occasion, if the state of Ireland rendered it necessary, to call the attention of the House to this subject. Having stated thus much, he thought gentlemen would better do their duty towards Ireland by concurring with him in the measure before the House, than by throwing those obstructions in his way to which the motion of the hon. baronet must necessarily give rise.

Colonel *Davies* supported the proposition for a committee. If it sat but for a week, nay, a single day, it would be of service, since it would show the people that parliament took some interest in the state of Ireland. The right hon. gentleman had taken the same course as his predecessors had done. He regretted the necessity which existed for proposing such coercive measures, and promised an inquiry at some future day. The same thing had been done by every chief secretary for the last twenty years. Still, nothing of a conciliatory nature was attempted. He held in his hand an address from the grand jury of Cork. Their cry was "force! force! force!" but not a word did they say about conciliation. Ireland was reduced to a most deplorable state through mis-government. He was convinced, that if the government of this country made the English peasantry suffer one half the misery which was inflicted on the people of Ireland, they would soon be converted from friends into bitter foes. The law was much more impartially administered in this country. In Ireland, the law was often made the engine by which the rich man oppressed and bore down the poor one. With respect to Catholic Emancipation, he thought it should be conceded. That question had, sometimes, been brought on in a shape that did not please him, and that was undoubtedly contrary to the feelings of a large portion of the people of England. But, if it were shown, that it was intended merely to restore the Catholics to their civil rights, without extending their political influence, he was sure the people of England had too great a regard for justice, to oppose such a proposition. While the present system continued, and this country remained at peace with the rest of Europe, there would be constant disturbances and rebellion in Ireland. And if, in furtherance of their despotic projects, the Holy Alliance thought proper to declare war against Great Britain, the first point of attack would be Ireland. Every effort ought, therefore, to be made, to conciliate the population of that country.

Mr. *J. Smith* would not make any apology for addressing the House on this occasion, because it was the bounden duty of English members, to attend to the affairs of Ireland. He had heard with some astonishment the speech of the right hon. secretary, and he would ask his friends around him, whether they had not, on former occasions, heard speeches of precisely the same nature and character? Many motions for inquiry had been submitted to the House; but nothing in the way of inquiry had ever been conceded. How stood the affairs of Ireland; and what subjects presented themselves for inquiry? He would begin with the subject of finance. Why should the people of this country pay two million a year for Ireland? Had it been fairly and clearly explained to the House, why she could not pay her own quota? He thought it right to show the people of this country, that they were not taxed for the benefit of Ireland, but to support a system of extravagance. Again, with respect to the administration of the laws. He could produce evidence to show, that the laws in Ireland were shamefully, scandalously, and openly, violated. Persons removed a little above the common rank of life, had it in their power, such was the mal-administration of the law, to prevent their being arrested for a debt of 20*l.* Did not every person who spoke of Ireland, exclaim "What is to become of that country? What steps are the government taking to remedy these evils?" He would ask, why the Catholic question was not brought forward properly? The disabilities under which the Catholics laboured was the source of great irritation in Ireland; and the gentlemen opposite need not look for tranquillity in that country, until the question was set at rest. Upon the subject of education, he recollected to have heard the right hon. secretary (Mr. Peel), when connected with the Irish government, lay before the House statements of what he had done and what he intended to do, for the improvement of the Irish in that respect, which were extremely gratifying. But, what had been really accomplished? He believed a small body in Ireland had derived advantages from parliamentary grants; but little or nothing had been done towards the education of the Catholics, who constituted the population of the country. There were, in short, so many points of importance, into which a committee could inquire, in order that the House might afterwards legislate with safety and advantage, that he heartily concurred in the present motion. No reliance could be placed upon the assurances of ministers with regard to Ireland; for, year after year, they had held out hopes that her grievances would be redressed. But government never could find a proper time for inquiring into the state of that country. He was convinced, however, that a change must soon take place in the conduct of the other side of the House towards Ireland, and that additional attention must be paid by gentlemen on his own side to Irish questions, or they would find themselves in the midst of difficulties and dangers.

Mr. *Robertson* considered, that much of the misery and discontent which was felt by the great body of the people of Ireland arose from the immense difference, in point of numbers, which existed between them and that portion of the population which was favoured by the state. It was not consistent with human nature, that six millions of people should sit down quietly under disqualifications, while 600,000 of their fellow-countrymen were admitted to the enjoyment of rights and privileges to which they conceived themselves to be equally entitled. They had reduced the Catholics to a state of slavery worse than the Helots of ancient times; and then they affected to wonder at their discontent. They had oppressed them, and spread dissention through every family in the kingdom, and yet they asked, why were not the people of Ireland peaceable and contented? Besides, in what way had they relaxed the odious penal code? Never but in periods of distress; when the enemy were on their coasts; when the French and Spanish navy rode triumphant in the Channel—an ominous occurrence which might recur in the present state of the world—and when the government were reluctantly compelled to arm that people in the defence of the kingdom, whom they had previously degraded and oppressed. It was fear, not policy, which influenced the conduct of the government. For Mr. Fitzgerald had shortly before in vain tried to introduce a bill into the Irish parliament to enable Catholics to hold 61 years' leases of real property, which an unfeeling government had rejected, although in the moment of danger which followed, they extended to them leases of 999 years. How were the people of any nation to be grateful, for such misgovernment, or for concessions so wrung from the hand of power? Again and again he would say, that for Ireland there could be no peace, without concession upon a broad and liberal scale. No petty concession would do. Nothing less than a general and perfect equality of privilege could ensure the tranquillity of that unhappy country. It was said, that the condition of Ireland would be improved by the introduction of capital to assist her population. He was aware that British capital was largely embarked in the concerns of other and unstable governments; but who could expect to procure capital for Ireland until something like order and tranquillity reigned there? It was said, that the diffusion of education would do a great deal for Ireland. He was the advocate for general education; but, let them bear in mind the necessity of convincing those whom they educated, that their condition was fairly attended to. What would be the effect of diffusing education throughout Ireland in the present oppressed and degraded state of the great bulk of her population? Why, an educated people would instantly break the chains which galled them. Did England imagine she could, in such an event, govern Ireland by the bayonet? There was but one policy to be tried, and that was conciliation. He did not mean that parliament should at once break down that mound of impolitic and unjust legislation, which, for centuries, it had been erecting; but, let them once avow that they meant to do so, with all reasonable despatch, and the people would be satisfied. Much stress had been laid upon middle-men, and absentees, and it was natural, that the people should look with jealousy upon those who oppressed them, and that they, in their turn, should feel distrust at being surrounded by enemies. Time and better treatment would wear away this mutual jarring. Let the Catholic and the Protestant be placed upon one footing, as they were in Switzerland, Prussia, and other states, and good feelings would pervade the community. It was these odious distinctions which bred mutual animosity among sects. It was a broad principle of legislation, that obedience to the laws implied protection from them. Had the Catholics been protected by the laws? Let us begin, then, at last, a principle of legislation more befitting an enlightened country to a suffering people, and put an end to this source of distraction, by repealing all those obnoxious statutes which had fed the flame of civil discord. Let the priests of the Catholics receive a stipend from the government. Let not all the tithes be paid to the clergy of 500,000 of this population. Let the Protestant pastor enter, as the Catholic priest did, into the miserable hut of the peasant, and then he could claim some share of the influence over his flock, now exclusively enjoyed by the latter. He concluded by entreating the English members to attend to this question, and by declaring his cordial support of the amendment.

Mr. *Hutchinson* said, he cordially concurred in every thing which had fallen from the hon. gentleman who had spoken last, and from his hon. friend who moved the amendment. The hon. gentleman who spoke last had truly described the sad tale of proscription, exclusion, and suffering, which the page of Irish history recorded. Concessions had been made, it was true; but always with a bad grace. It was only when the government were struck with terror and dismay, that they had relaxed the severe restrictions imposed upon the Catholics. Much as he deplored the condition of Ireland—ready as he was, though with pain and anguish, to extend the protection now sought for, to the resident gentry, surrounded as they were with conflagration and outrage—yet still, if the motion for a committee were pressed to a division, it should carry his vote, from his extreme anxiety to promote, in every possible manner, an inquiry into the distracted state of his unhappy country. The ministers said, it was too late in the session for inquiry. Did these ministers, who said so, receive, as every body else did, daily accounts of the dreadful situation of Ireland; and, if they did, were they justified in denying immediate inquiry. The condition of Ireland must be probed to the bottom. Things could not go on as they were, unless they were determined to precipitate the ruin of Ireland, and bring perdition upon the empire.

Mr. *Bankes* said, that every gentleman who had spoken during this debate had, however they differed upon other matters, concurred in the necessity of some measure like the present; except the hon. member for Grampound, who, like a northern metaphysician, had reasoned upon the question in a manner which would apply to any other subject, just as well as this. The disease of Ireland was an insurrection of those who had no property against those who had; and a deep-laid conspiracy of the majority of the religious community of that country against the minority. [Cries of "No."] He was astonished that any hon. gentleman could deny that which was admitted to exist by the attorney-general for Ireland. Whatever measures the state of Ireland might eventually call for, the disorder must be remedied without delay, and by the application of this bill. He believed no practical good could result from the appointment of a committee at the present period of the session.

Mr. *R. Martin* wished to know why his hon. friend had not submitted his motion at the commencement of the session, rather than at the present moment. He was of opinion, that the identifying of the motion for a committee with the Insurrection act, he meant as to time, would have an extremely mischievous effect. The rebels would suppose that every member who supported his hon. friend's motion, approved of their illegal proceedings. He believed in his conscience, that the government distributed offices in Ireland equally between Catholics and Protestants. With respect to Catholic Emancipation, he would say, that if it were agreed to by parliament, it would not induce one rebel to lay down his arms. He believed, that, if the hon. member for Grampound were sent to the rebels of Munster to promise them Catholic Emancipation as an inducement to lay down their arms, captain Rock would order his head to be cut off.

Mr. *S. Rice* said, that his only motive for consenting to continue the Insurrection act was, that the repealing it might discourage the well-affected in Ireland. At the same time, he thought that the House was bound to inquire into the causes of the discontents which prevailed in that country. He regretted that his hon. friend had not brought forward his motion at an earlier period of the session; because it then would not have been liable to those objections with respect to time, which were now urged against it. He conceived that the disturbances in Ireland originated in the state of degradation in which the people were placed by the bad system of government which existed in that country. He did not think that any benefit would arise from a relaxation of the severity of the laws. On the contrary, he believed that tranquillity could only be obtained by a rigorous but just administration of the laws.

Mr. *Dennis Browne* said, he would vote

for the continuance of the Insurrection act. The struggle in the south of Ireland was neither more nor less than a struggle of pauperism against property.

Sir *J. Newport* thought the disturbances which at present agitated Ireland, were wholly owing to the system of government to which Ireland was subjected. That government had, for twenty-three years, gone on passing Insurrection act, after Insurrection act, instead of resorting to any measure of permanent relief. No measure of that kind could be obtained from them, either when the country was disturbed, or when it was not. It seemed as if there really was no period in which the case of Ireland could bear to be probed to the bottom. If the country was tranquil, then the reply was, "why will you disturb the country now?" If there happened, unfortunately, to be disturbances, then the answer was, that "the country was in such a state that nothing would do but an Insurrection act." He begged to repeat to the House, the words which Mr. Pitt had made use of, in April 1800, when speaking of the proposed Union. "We must," said he, "look to this as the only measure we can adopt which can calm the dissentions, allay the animosities, and dissipate the jealousies which have unfortunately existed; as a measure whose object is, to communicate to the sister kingdom the skill, the capital, and the industry, which have raised this country to such a pitch of opulence; to give her a full participation of the commerce and of the constitution of England."* It was now three and twenty years since those words had been uttered by Mr. Pitt, and Ireland did not yet enjoy the advantages of the English constitution. He begged leave, also, to state to the House the opinion of a noble friend of his, which bore upon the present question. In 1816, lord Grenville, speaking upon a motion for inquiry, said, that "every person inhabiting the soil of Ireland is justified in seeking redress—not soliciting it at the hands of parliament, but demanding it as a right. Why did we unite with Ireland, unless we meant to give her a union in the advantages, a participation in the constitution of this country? When we consummated that union, we were bound in the sight of God and man, to provide for the happiness of Ireland, and unless we faithfully discharge our duty towards that country, we have usurped a power over it which we have no right to exercise." * Those were the words of his noble friend at that period, when an inquiry into the state of Ireland was proposed. That inquiry was refused, on the ground that the country was tranquil. A main cause of the principal evils that weighed so heavily upon Ireland might be found in the act of 1793, which confined the appointment of the sheriffs and sub-sheriffs to Protestants alone. There were particular counties to be named, in which no Roman Catholic had ever been on a grand jury where a Catholic was to be tried. He had also heard the sheriff of a county in Ireland thank his God, that, for the space of a hundred years, no Catholic had ever sat on the trial of Catholic or Protestant in that jurisdiction. Government might attempt by these violent measures to put down a spirit of dissatisfaction and hostility; but every time they were repeated, they would have less effect. The hon. gentlemen on the other side talked of the miseries which a pauper population entailed upon Ireland; but they might, with more propriety, have attributed a considerable portion of them, to the effect of a transition from a state of war to peace, which had thrown upon the public a great number of hands, previously employed in the army and navy. Any government which attempted to sustain, by mere force, its dominion over six millions of people, must of necessity, be a very mistaken and a very feeble government [Hear, hear]. He would say again, that a government which proposed to govern by coercive measures, instead of conciliation, was one that could not, and that ought not to be endured. Let ministers look to it, without taking the fact, momentous as it was, on the assertion of any individual. Nothing but a very careful inquiry could provide a remedy for such awful mischiefs as those which afflicted Ireland. He had had forty years experience of that country! and he did not believe, that any people on earth were more susceptible of gratitude for benefits conferred; but he knew, also, that they were not without a keen sense of injuries inflicted. The government might rest assured, that if they did not speedily adopt some mode of inquiry into the present state of Ireland, they would have ample reason to repent their neglect.

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* Parl. Hist. vol. 35 p. 40.

* See First Series of this work, v. 33 p. 832.

He could not accede to the original motion without some necessity being first shown for the introduction of so odious a measure. He was willing to believe that the marquis Wellesley, as far as he was allowed to act, was disposed to act for the benefit of Ireland; but, it was impossible for him, however much he might have the good of the country at heart, to act beneficially with a divided cabinet. It was impossible to expect a remedy from men who were not united in any measures calculated to restore Ireland to tranquillity. If his brother were in the cabinet, he would hold the same opinion. Three and twenty years had passed away since that Union which was to have conferred on Ireland the privileges of the constitution; and the friends of Ireland were, in 1823, calling in vain for an opportunity to sift to the bottom the causes of the misery that afflicted that country. Nothing could be more clear than that there was something radically defective in the state of Ireland—something that called for inquiry and investigation; but inquiry was denied, and the government were recurring to force, instead of adopting measures of conciliation.

Mr. Secretary *Peel* said, that as no member had questioned the propriety of passing the Insurrection act, it was not necessary for him to defend that measure. It had been said, that the government were deceiving themselves, when they supposed that that act would operate as a cure for the discontent and misery of Ireland. A cure—good God! who could be so infatuated as to suppose that that measure was intended as a cure? It was only meant as a temporary measure to meet a pressing emergency. With respect to the proposition of the hon. baronet, calling for a committee, he would only put it to the House, whether they could, at that period of the session, on the 24th day of June, enter into an inquiry such as the hon. baronet called for? An inquiry into the question of finance would of itself take up three months. Then there was the question of education, and an inquiry into the administration of the laws. He submitted to the House, that it would be perfectly idle, at that period of the session, to go into such an inquiry. He thought that ministers had been rather hardly dealt with by hon. gentlemen in the course of the present discussion. During the last session, the great complaints of Ireland, as urged in that House, were excessive taxation, the distillery laws, and tithes. Now government during the present session had met these evils; they had reduced taxation; they had revised the distillery laws, and they had brought forward measures respecting tithes. But still they were exposed to the censure of hon. members, as if they had done nothing to redress the grievances of Ireland. The hon. member for Grampound had said, that so long as any thing was denied to the Catholics, Ireland could not be restored to tranquillity. The hon. gentleman was for portioning out tithes for the Catholic clergy. That was indeed carrying things to the extreme end; but he would not quarrel with the hon. member for boldly and fairly stating his views. He would only say, that the subjects handled by the hon. member were of vast importance, and that, when the hon. member came to deal with them, he would discover more clearly their difficulty and their importance.

Mr. *W. Smith* contended, that the government had already been pledged to an inquiry into the state of Ireland, a resolution to that effect having passed in that House six weeks ago. With respect to the measures that had been proposed by ministers during the present session, he looked upon them as calculated merely to throw dust in the eyes of the public. Never was there a case which more strongly called for inquiry. Six millions of people were denied the rights of the constitution; while one million ate up all the patronage, the honours and power of the country. In such a state of things, it was impossible that permanent tranquillity could be restored. An allusion had been made to the church establishment. It was said, that it was too late in the session to commence an inquiry into the state of Ireland, but why had not that inquiry been entered upon more early? He hoped it would not be long delayed; and under that impression, he would, however reluctantly, give his vote in favour of the bill.

Mr. *Denman* entered his protest against the right hon. secretary's insinuation, that no one doubted the wisdom of passing the Insurrection act on the present occasion. Whenever, and as often as a proposal for renewing it, for however short a period, should be made in parliament, he would lift his voice against it, even if he stood alone.

Sir *H. Parnell,* after all that had been said on the subject, remained so fully convinced of the necessity of an inquiry such as he proposed, that he must take the sense of the House upon his amendment.

The House then divided: For the second reading 88; For the Amendment 39.

List of the Minority.

Barret, S. M.
Bennet, hon. H. G.
Bernal, R.
Bright, H.
Buxton, T. F.
Cavendish, ld. G. A. H.
Davies, T.
Denman, T.
Ellis, hon. G. J. W.
Evans, W.
Farrand, R.
Fergusson, sir R. C.
Hamilton, lord A.
Hobhouse, J. C.
Honywood, W. P.
Hume, J.
Hutchinson, hon. C.H.
Knight, R.
Kennedy, T. F.
Lushington, Dr
Marjoribanks, S.
Martin, J.
Milbank, M.
Monck, J. B.
Newport, sir J.
Nugent, lord.
Palmer, C. F.
Pares, T.
Rice, T. S.
Rumbold, C. E.
Robertson, A.
Smith, J.
Smith, W.
Tennyson, C.
Whitbread, S. C.
Williams, sir R.
Williams, W.
Williams, J.
Wood, M.

TELLERS.

Parnell, sir H.
Grattan, J.

HOUSE OF COMMONS.

Wednesday, June 25.

INEQUALITY IN THE ADMINISTRATION OF THE LAW—PETITION OF ROMAN CATHOLICS OF IRELAND.] Mr. *Brougham* said, that he held in his hand a petition signed by 2,000 Roman Catholics of Ireland, which complained of the general oppression in which that class of his majesty's subjects to which they belonged were holden, not only by the inequality of the laws as far as regarded them, but also by the unequal administration of the laws as they at present existed. That complaint, though it was stated with no less accuracy than force of language, contained nothing in it that was, in the slightest degree, disrespectful towards the House. As he intended to ground a proceeding upon this petition, it was unnecessary for him to state any thing further regarding its contents, than that the foundation of them was, firstly, the inequality, and, secondly, the unequal administration of the laws, as respected Roman Catholics. The petition was signed by many of the most respectable Catholic inhabitants of Dublin, and would have been signed by as many thousands as it now had hundreds, had not the petitioners thought it necessary to send it with all speed to London, in order that it might be in his hands before the Irish members had left town.

The Petition was then brought up and read; setting forth,

"That the petitioners approach the House with the deep respect which is due to its legislative character and authority, and appeal to it for protection and redress; the adminstration of justice is, in Ireland, corrupted to its source; a faction, deriving its power from the inequality of the law, has sprung out of the system by which that unfortunate country has been, and continues to be governed; from its ferocious antipathies the public tribunals do not afford them refuge; the subjects of an absolute government are less exposed than they are to the violation of personal right; a simple despotism weighs with an equality of pressure upon every class of the community; but where a faction is invested with exclusive privileges and sway, the machinery of corruption is much more complicated, and its operation more extensive; a system of helotism is established, the sense of masterdom intermingles itself in the ordinary familiarities of life, tyranny meets its object at every step, it assumes a character of much more immediate individuality, and is multiplied and varied into an infinitely greater diversity of shape; when the penal code was in its full operation, the people of Ireland were the victims of an oppression the most degrading which it was possible for the malignant ingenuity of persecution to devise, or for the patience of debased humanity to endure; the House has seen the effects of that revolting system exemplified by too many melancholy illustrations, to require that the petitioners should enter into a detail of the calamities to which it has given birth; look at Ireland, and behold the result of its legislation! it is true, that the penal laws have been greatly modified, the chain has been in part struck off, but many a heavy link still hangs upon them, and the impression of the fetters remains behind; their existing disqualifications are marked with the visible traces of their origin; the character of the oppressive code is still found among its unholy relics, which are preserved with such a superstitious reverence in the sanctuaries of the constitution; although the spirit of domination has been allayed, it is not yet extinguished, and it daily exhibits itself in consequences the most disastrous to national happiness and concord; the impolicy and injustice of so fatal a perseverance in this system of degradation and of division are every where apparent, and are more peculiarly exemplified in the dispensation of justice; it would be difficult, indeed, that when so much inequality exists in the law itself, there should not be partiality in its administration; where the professors of the favoured Creed are arrayed in exclusive emolument and honour, it is natural that a selfish sense of interest should bring them into coalition, and that in the defence of their monopoly, they should be firmly and deeply marshalled against the men, from whose degradation their hollow and artificial importance is derived, and from whose industry their official wealth is wrung; the passions which arise from sectarian hatred, inflamed by the fears of endangered avarice, are of the fiercest kind, and naturally lead to a frightful excess; the sacred writings are tortured into a profane instrumentality, the bible is resorted to for the suggestions of massacre, and the injunctions of murder are drawn out of the very word of God; conscious of the guilt of their sanguinary affiliations, they fly from the light, their league against their country is veiled in a sacrilegious darkness, and their impious fidelity secured by a blasphemous appeal to the sanction of an oath; the members of such an association are naturally inflamed by animosities which infect the whole frame of society, and banish all regard for justice from the minds of those who might otherwise approve themselves impartial and honourable men; it follows as an inevitable consequence, that when they are intrusted with the administration of the law, it should be perverted into the means of conferring impunity upon one party, and of inflicting oppression upon the other; thus the spirit of faction ascends the public tribunals; when those, to whom the discharge of a sacred duty is confided, participate in the passions, and often in the guilt, of the culprit, it is not in human nature that they should not lend themselves to an impure and vitiating bias; of this melancholy fact the most flagrant examples perpetually occur; the petitioners appeal to the authority of the judges of the land, who from their seats on the bench have proclaimed their sense of this intolerable grievance; the late Mr. Justice Fletcher, in the exercise of his judicial functions, denounced the Orange confederacy as one of the chief sources of the calamities of Ireland; 'of this,' said that learned and upright man, 'I am certain, that so long as these associations are permitted to act in the lawless manner they do, there will be no tranquillity in this country, and particularly in the north of Ireland; there those disturbers of the public peace, who assume the name of Orange yeomen, frequent the fairs and markets with arms in their hands, under the pretence of self-defence, or of protecting the public peace, but with the lurking view of inviting attacks from the Ribbon-men, confident that, armed as they are, they must overcome their defenceless opponents, and put them down; murders have been repeatedly perpetrated upon such occasions, and though legal prosecutions have ensued, yet, such has been the baneful consequence of those factious associations, that, under their influence, petty juries have declined to do their duty; it was sufficient to say, such a man displayed such a colour, to produce an utter disbelief of his testimony; and when another has stood with his hand at the bar, the display of his party badge has mitigated the murder into manslaughter. I do repeat, that such are my sentiments, not merely as an individual, but as a man discharging his official duty, I hope, with firmness and integrity. With these Orange associations I connect all commemorations and processions, producing embittering recollections, and inflicting wounds upon the feelings of others. And I do emphatically state it as my settled opinion, that until those associations are effectually put down, and the arms taken from their hands, in vain will the north of Ireland expect tranquillity or peace.' These are the words of that eminent judge, delivered from the bench during the summer assizes of the year 1814; and the petitioners trust, that the House will recur to his impartial testimony, confirmed by the evidence of others filling the judicial station, rather than to the unsupported allegations of any individual, who, feeling his own character at stake, may assert, that under his auspices, the administration of justice was pure in Ireland; such a witness, swayed by his personal and official interests, is not only not credible, but incompetent; it is, indeed, a matter of surprise, that men who are in some measure the medium of communication between the subject and the throne, should, at the moment when the evils of the Orange system are most fully disclosed, intimate an implied approbation of this confederacy against the people of Ireland; it is a palpable affectation to express a scrupulous disrelish for the oaths by which Orange-men are leagued, and yet to sustain the principles of oppression upon which they are associated together; how idle it is to declare the criminality of the Orange oath, while the Orange spirit is still fostered by the law; a religious character will be still impressed upon the administration of justice, and religious antipathies will necessarily obey the suggestions of the law, and start out of every party question; the judges, the officers of the court, the king's, counsel and the sheriffs who impanel the jury, will still be Protestant; thus will the administration of justice be stamped, as it were, with sect; under such circumstances it is not likely that justice will be pure, while there can be no doubt that it will be suspected; and in the minds of men, rendered jealous and susceptible by the continued infliction of wrong, suspicion will work almost all the ills which actual depravity could beget; it follows, that until the Penal Code is entirely abolished, the administration of the law must be exposed to abuse; the petitioners do not, however, consider it impossible that some alleviation should be afforded, even if the legislature should persevere in withholding their civil rights from six millions of the Irish people; and it would become the men who affect an anxiety to render their yoke less galling, while they insist upon its continuance, to suggest the adoption of such measures, of even partial and modified relief, as they may think consistent with the permanence of monopoly; the nomination of the sheriffs of counties is now vested in the judges, and although they are compelled to make their selection among the professors of the favoured creed, yet their high station affords a ground to hope, that they are placed beyond the reach of any vile and ignominious prejudice, and is calculated to inspire a confidence in their impartiality; but a directly opposite feeling must prevail in corporate cities, where the appointment of sheriffs depends upon associations of men who are peculiarly influenced by the fierceness of sectarian hate; almost all cases of political moment are tried in the city of Dublin, whose sheriffs are selected from their own body by the corporation; of its members in their individual capacity, the petitioners do not mean to speak; many amongst them are highly commendable in the relations of private life; but it cannot be controverted, that the corporation itself is disgraced by the foulest corruption, and has been convicted of the most flagitious fraud; the city of Dublin has been robbed of upwards of a million of money by these abandoned peculators; they live upon the spoliation of their fellow citizens; and to prevent any intrusion upon their privileges of plunder, and to secure an undisputed division of spoil among their own families and kindred, they guard themselves against any infusion of more liberal sentiment, and partly from religious rancour, and partly from pecuniary baseness, exclude all Roman Catholics from the freedom of the city; as they are generally drawn from a class of society in which religious antipathy is not mitigated by the softening influences of education, they accordingly exhibit a more than ordinary virulence against their Catholic fellow subjects, and yet, it is to such men, that human life and property is entrusted; under such auspices, can the administration of justice be any thing but partial, vindictive, and unjust? the borough of Grampound has been disfranchised for corruption, which vanishes in any comparison with the delinquencies of the corporation of Dublin; how far their manifold peculations may be redeemed by their profitable loyalty, the petitioners will not presume to anticipate; but they humbly hope the House will rescue the administration of the law from such a diseased and polluting contract; Justice should be drawn out of pure fountains, and how can it fail to be stained and foul when it is derived from such a corrupt and fetid source? as long as the sheriffs are appointed by men who derive their livelihood from their religion, it will be a mere mockery to tell the people of Ireland, that the law is equally dispensed; the petitioners, therefore, humbly implore the House to adopt such measures as may be calculated to remove the evils of which the House must be deeply sensible, and of which they trust that they shall not vainly continue to complain; the petitioners supplicate the House for redress, on behalf of six millions of the population of Ireland, for whose sufferings so much commiseration has been so often expressed, but or whose relief so little has been done."

On moving, that the petition be printed, Mr. Brougham gave notice, that he would to-morrow move, that it be referred to the grand committee for Courts of Justice.

HISTORICAL PAINTING — PETITION OF B. R. HAYDON.] Mr. *Brougham* said, that he had a petition to present, which he had received with the most unfeigned sorrow, and which he had no doubt would excite the same feeling in the breasts of other hon. members when he detailed the particulars of it to the House. The petition was from Mr. B. R. Haydon, historical painter, who, from the great talent which he had exhibited in his profession, was entitled to expect a competency from it, but who was now, unhappily in the King's-bench prison, overwhelmed by ruin, and without hope of redress, owing to his having refused to take portraits, and to his having confined himself exclusively to one branch of the art, historical painting, in which, from the state of the market, it was not possible that more than one or two persons should succeed. The situation of the petitioner was so melancholy, that he believed his only means of amending it would be, by taking the benefit of the insolvent debtor's act. The petitioner stated, that after having devoted nineteen years of his life to the study of the arts, and after having collected various casts, sketches, and drawings, which were the objects of his daily study and nightly veneration, the whole of his collection had been swept away at once, by an execution that had been issued against his property. The petitioner did not apply to the House for relief in his own case, though he was reduced to such a state as to be obliged to begin life again, after undergoing the loss of his former collections; but he did apply to the House to protect other artists from similar disasters, by affording greater encouragement to historical painting. Mr. Haydon founded most of the observations in his petition upon the report of a very able and learned committee of that House, which had sat in 1817 upon the Elgin marbles, and which, after stating the advantages that were likely to be derived from that stupendous collection, submitted "to the attentive consideration of the House, how highly the cultivation of the fine arts had contributed to the reputation, character, and dignity, of every government by which they had been encouraged, and how intimately they were connected with the advancement of every thing valuable in science, literature, and art." Upon that recommendation, the House had given considerable encouragement both to sculpture and architecture; and, as he (Mr. B.) thought, with justice, if the country were able to afford it. Mr. Haydon, reflecting upon the encouragement thus given to the sculptor and the architect, asked, why was not similar encouragement given to the art of historical painting? That encouragement he conceived to be the more necessary, since historical pictures were more fitted for the altars of churches than they were for the rooms or even the galleries of private individuals. Now, the House had recently voted 1,000,000*l.* of money for the building of new churches. Mr. Haydon had consequently some right to say, that when they expended thousands upon the sculptor and the architect, they might expend a small portion of the money by way of encouragement upon the historical painter. He could not but feel sympathy for the unfortunate gentleman whose petition he had to present, though his only acquaintance with him had arisen from his (Mr. Haydon's) having called upon him to request him to present it. He must certainly say, that all he had seen of him upon that occasion was calculated to leave a very favourable impression upon his mind of Mr. Haydon's talents and general conduct. He would move, that the petition be brought up.

Sir *C. Long* allowed that there was not at present sufficient encouragement given to that branch of art, to which the petitioner had devoted himself; but, at the same time, he did not see how such encouragement could be afforded by legislative enactment. He had been requested by the petitioner to present this petition; but as he did not like to raise hopes which he knew must end in disappointment, he had endeavoured to extract from the petitioner the means by which encouragement was to be afforded. Whether the petitioner had been disappointed by meeting with this treatment on his part, he could not tell; but the result had been, that the petition had been ultimately placed in the hands of the learned gentleman opposite. He was certainly inclined to encourage this branch of the arts, if he knew how; but, unfortunately he did not. He could not, however, conclude, without congratulating the House upon its having shown on a recent occasion, a more liberal feeling towards the arts than that which had formerly influenced it. He believed that the learned gentleman himself, who had just praised the report of the committee on the Elgin marbles, had given his strenuous opposition to the carrying into effect the recommendation of that committee.

Mr. *Brougham*, in explanation, stated, that when the purchase of the Elgin marbles was under the consideration of the House, two distinct questions were involved in it; first, the right of lord Elgin to take them; and next, the money-value of them. Regarding the first, he was not much inclined to be squeamish. He certainly thought that lord Elgin had conferred great benefit upon the arts in taking them from Greece; since, if they had been left there, they would have been ground to powder by the Turks for the purposes of building. Regarding the second, he would remind the House, that there had been a great difference of opinion as to the pecuniary value of them, and that the opposition which he had given to the vote for the purchase of them, was derived from the financial distress which at that time pressed upon the country. The value of those marbles to the arts he had never disputed: indeed, he thought that some of them, mutilated as they were, were greatly superior to the Apollo Belvedere and the Venus de Medici, both of which he had had an opportunity of seeing at Paris.

Mr. *Croker* was not without hopes that this petition might do good, seeing that it related to a case of distress which touched the heart, at the same time that it affected the mind. He was not, however, clear upon the principle, that historical painting ought to be forced upon the public. Among painters, historical painting was considered that kind of painting which was least historical. True historical painting was portrait painting; and, those who had seen the splendid collection of portraits in the gallery of the British Institution would be convinced that those portraits were really historical pictures. If there were any artist so attached to historical painting, as to say that he would not condescend to paint portraits, that artist ought to be reminded, that Titian, Raphael, and Rubens were not more distinguished for their historical paintings, than they were for their skill in portrait painting. He thought it necessary to say thus much, to prevent young artists from giving themselves up to the same foolish idea which appeared to have acted so injuriously to the fortunes of Mr. Haydon.

Ordered to lie on the table.

LORD LIEUTENANT OF IRELAND.] Mr. *Hume* rose to submit to the House, the motion of which he had given so long a notice, namely, to consider the manner in which Ireland was at present governed, and whether a change might not be made with great advantage. His object was, to abolish the office of lord-lieutenant in that country; but, as an impression existed in some quarters that his motion was made with hostile feelings to the marquis Wellesley, he begged to be clearly understood that he did not intend in the smallest degree to reflect on the conduct of that noble lord. He (Mr. H.) had long had a favourable opinion of the noble marquis, and should regret if any thing that now fell from him could in the smallest degree have the appearance of censure, although he must admit, that he had been much disappointed in the results of the marquis's administration, yet he was well aware that the situation in which the lord lieutenant was placed, was an arduous and difficult one, and it would be unfair to draw too harsh conclusions against him whilst unacquainted with all the difficulties he had to contend with. There were obstacles which had been raised by the misrule of ages; and it was not to be expected that he could at once overcome them, particularly with a government in England so constituted that it was difficult to ascertain what measures they would support, or what they would oppose. The king had, in the appointment of the present lord lieutenant, been actuated, it was understood, by the best intentions; desirous, by the example he had himself set whilst in Ireland, to put an end to that party spirit which had so long disturbed the peace of that country; to terminate that system of exclusion both civil and religious which unfortunately was the chief source of those evils under which Ireland suffered: to place Protestants and Catholics on the same footing in the administration of the laws, and in the participation of all the blessings of the British constitution. Mr. Pitt had said, in parliament that "He did not merely say, let Ireland be united, let her be blended with us, but let her partake of every solid benefit, of every eminent advantage that could result from such incorporation." This House in its address to the king, and his majesty, in his speech from the throne, anticipated the same results: but, he would ask, has there been any such participation by the people of Ireland of those solid advantages so conspicuously held out at the Union? Have not the Catholics, the great mass of the population, to this day been excluded from all offices of trust, and deprived of those promised blessings? And was it not reasonably to be expected, that under such a government the people should be discontented and the office of lord lieutenant be a very difficult one? He would show the actual state of the public appointments, as regarded the Catholics and Protestants at the time the marquis Wellesley went to Ireland; and taking into consideration the relative numbers of each class in that country, it appeared to him sufficient to account for much of the mischief that had lately taken place in that devoted country. Although, by the Irish statute of the 33rd Geo. 3, c. 20, the Catholics are declared admissible to many offices from which until then they had been excluded, yet the practice has been in reality such, that an almost total exclusion had continued; and one of the chief causes which raised the opposition to lord Wellesley's government, was perhaps the determination he manifested to break through that system, and to dispense the patronage of the government impartially [Hear]. He (Mr. H.) had been anxious to know the precise distribution of the government patronage, and when the House heard the particulars he was confident their surprise and astonishment would be highly excited. It was not possible to get a perfectly correct list of the religious persuasion of all the public servants in Ireland, but he believed what he had obtained was sufficiently accurate for his purpose. The exclusive faction, or Protestant Ascendancy-men, as they were called, absorbed nearly the whole patronage of the government—that is, in a population of seven millions a few hundred thousand persons enjoyed almost all the advantages and emoluments of office. Was it not difficult, then for any lord lieutenant, however benevolent and liberal his intentions towards the great mass of the people of Ireland might be, to carry them into effect under such an exclusive system? An act of justice to a Catholic, or the appointment of one to a public office, was the signal and almost a certain means of rousing the hostility of the select interested few, who, if supported by the government in England, could, as they had hitherto done, effectually thwart every good and liberal act of the lord lieutenant. He would state the situation of a few public departments as an example. In the Irish Post-office there were 466 persons holding offices, of whom only 25 were Roman Catholics! Under the Royal Dublin Society there were 17 persons, none of whom were Catholics. In the Bank of Ireland there were 127 persons, and of that number only 6 Catholics. In the board for paving—the board of commissioners for erecting fountains—for preserving the port of Dublin—for wide streets—amongst the trustees of the linen board—the lord lieutenant's household—the city officers and common council—the committees of pipe and water establishment—of the police, and many other public establishments, there was not one solitary Catholic to be found [Hear]. In the office of Customs there were 296 persons employed, and only 11 of them were Catholics. In the Excise there were 265 persons employed, and of that number only 6 were Catholics. Of coroners in counties there were 108, and only 14 of them Catholics—of commissioners of affidavits there were 262, and only 29 of them Catholics—of 71 officers under the linen board only 3 were Catholics. In fact, on an aggregate of the public establishments, the list of which he held in his hand, there were 2459 persons holding offices paid by the public money; and of that number, only 106 were Catholics [Hear, hear]. To show that the exclusion was not solely in the inferior offices, but extended equally to all, he would mention that there were 31 assistant barristers but not one of them a Catholic. There were 106 offices in the law department in Ireland which must be filled by barristers, the salaries and emoluments of which exceed 150,000*l.* a year, and Roman Catholics are admissible, since 1795, to 83 of these offices, producing an income of 50,000*l.* a year; but there was not one solitary instance of a Roman Catholic holding any such profitable and honourable appointment [Hear, hear]. His (Mr. Hume's) object in stating all these facts was only to show the difficulties lord Wellesley had had to contend with, in attempting any change in such a system; and, unless the House interfered, that privileged few would get the better of the present and of every future lord lieutenant, and perpetual discord and civil war would be perpetuated in that country.

The question for the House to consider was, whether, under all these circumstances, it was proper that the government under a lord lieutenant with a chief secretary and large establishments, resident, ought to be continued any longer? It was, therefore, fit to inquire what the particular duties of the lord lieutenant now were, and whether they could be performed in London with equal efficiency and advantage to the country, as in Dublin. Much prejudice, he (Mr. H.) thought, existed on this subject from ignorance of the actual state of the duties to be performed. If he could prove satisfactorily to the House, that the duties of the lord lieutenant, of the chief secretary, and, consequently, of many other officers connected with them, could be as well discharged in London, he should make out his case. One great evil of the present system arose from the viceroy's court being the focus of faction and intrigue, producing virulent party spirit, from which emanated many of the evils that had long distracted Ireland. It was true that many causes had been assigned by different persons, to account for the perpetually disturbed state of that country; but what had been so forcibly and so ably stated a few nights ago by the hon. baronet, the member for the Queen's county (sir Henry Parnell) appeared to him to account very satisfactorily for it. His late majesty, in his speech to that House in 1800 (29th January) had said that, " This great measure (the Union) he should ever consider as the happiest event of his reign, being persuaded that nothing could so effectually contribute to extend to his subjects the full participation of the blessings to be derived from the British constitution, and establish on the most solid foundations, the strength, prosperity, and power, of the empire."

England, Scotland, and Ireland, were called the united kingdom; but, were they united in the spirit or intention of those who promoted the Union? Had Ireland participated of those promised blessings of the British constitution, and been a source of prosperity and of power to the empire? It was expected that, by the Union, the interests of England and Ireland would be so completely amalgamated, to use the words of the hon. member for Corfe Castle, that Ireland should become the same as a county of England. But, up to the present time, Ireland had been governed as our slave colonies were, by a viceroy and colonial establishment; and Jamaica might be called, with as much propriety, a part of the united kingdom as Ireland [Hear, hear!]. Mr. Pitt's speeches, the addresses of this House, and all the debates at the time, clearly held out a complete union of government of its interests and benefits; and why not fulfil the pledges given at that time? Had the peace of Ireland been consolidated since the Union? Had her prosperity and happiness been improved? No, it was scarcely possible for any country to be in a worse state than Ireland. Remove, therefore, the lord lieutenant, and along with him all the separate colonial establishments — let Ireland be in reality united with Great Britain, and enjoy the advantages promised, and there was no doubt that the condition of that country would rapidly improve. By reference to the history of Ireland, it would be found, that, for a century before the Union, the lord lieutenant had been surrounded by a few individuals who enjoyed enormous incomes from public employment, and, at the same time, by their conduct, offended and oppressed the mass of the people, thereby creating discontent and civil war. The almost uninterrupted operation of the Disarming and Insurrection acts, the suspension of the Habeas Corpus act, and the proclamation of Martial Law, ought to satisfy the House that no improvement had taken place since the Union, and that any change in the government of that country must be for the better. The first change he (Mr. H.) recommended was, the removal of the lord lieutenant, &c. There were many duties performed by him before the Union that were now no longer required; and it should now be his (Mr. H's.) duty, to shew that those duties now performed in Dublin, could be equally well discharged in London. All the military establishments, including the ordnance, the barracks, &c., were separate and distinct from Great Britain before the Union, and the lord lieutenant had the same power and patronage with them, as the king has in Great Britain. The half-pay, pensions, military accounts, commissariat, formerly managed in Dublin, were all now managed in London. There was also a secretary at war for Ireland, and a large establishment for his office, since abolished. The commander of the forces was last year also withdrawn as unnecessary. The Kilmainham hospital pensioners have been, by an act of last session, incorporated with Chelsea. In fact, all the military establishments of Ireland now formed part of the British establishment, and the lord lieutenant had nothing to do with them, except as a medium for transmitting the orders sent from London, or, in other words, for intercepting the prompt execution of them. The Customs and Excise of Ireland, formerly under separate boards and the control of the lord lieutenant, are now consolidated with the English boards. The Post-office and Stamps are also in progress to be incorporated. The Exchequer of Ireland had been incorporated with that of Great Britain five years ago; and, although the lord lieutenant might still sign warrants for some payments, he had no power whatever over any part of the supplies, except over a small sum for civil contingencies. All grants of money were appropriated by acts of parliament, and their application was, in the opinion of many well-informed persons, only impeded by a vice-treasurer, altogether as useless as the viceroy. Neither of them possessed the power of appropriating a single shilling of public money without the sanction of parliament, or of the Treasury in London; and he believed that the treasury could perform the duties better if neither of these offices existed.

Although he (Mr. H.) pressed the removal of the colonial establishment in Ireland, chiefly from its inefficiency for any purpose of good government, yet the large expense should not be lost sight of. If there were any advantages arising from the vice-regal government, that could balance its enormous expense, he would waive his motion; but, he could discover no good, only pure unalloyed evil from the system.

At a time when the country called for economy in every department, it behoved the House to look at the large expenditure of Ireland. He (Mr. H.) was confident, that sufficient attention had not been given to that branch; and the way, in which the accounts of expenditure were kept, very much tended to keep it from the public eye. Instead of an increase of peace, prosperity, and power, to the empire by the Union, we had distraction, beggary, and a continued drain upon our finances. The people of Great Britain were taxed to pay upwards of three millions sterling annually, to support a system of misrule in Ireland. If there were no other reasons for trying the change he proposed in the government of that country, so large an annual burthen pressing at the present moment on us, ought to enforce attention to his motion.

To prevent any mistake in so important a subject, he had moved for an account of the revenue and expenditure for Ireland, in the year ending the 5th Jan. last, and the parliamentary paper No. 301 of this session, dated the 28th of April, was the return now in the hands of every member. By that account

		£.	£.
The *ordinary revenue* of Ireland for the year was		4,662,933	
From which deduct the expenses of collecting, &c.		883,140	
Leaving a nett sum of			3,779,793
The balance of outstanding bills less in 1823 than 1822 was			22,801
Making the total nett revenue in the year 1822			3,802,594
The *expenditure* for the civil list		207,000	
For miscellanous charges on the consolidated fund		248,253	
Payment out of the revenue in its progress to the Exchequer for miscellaneous expenses		273,013	
Army services		1,393,772	
Ordnance services		88,613	
Miscellaneous services		571,724	
Advances out of the consolidated fund for public works	383,734		
Deduct repayment for public works	161,392		
Actual advance for public works		222,342	
			3,004,717

Leaving a surplus to pay the interest of the public debt of only	797,877
Whereas the demands and charge of management of the debt, in Ireland, exclusive of the sinking fund was	1,115,908
The dividends and charge of the Irish debt of 83,944,904*l.* in England was	2,780,791
Making the total charge of the Irish debt borne by Great Britain.........	3,896,699
From which deduct the surplus of revenue over the current expenditure as above	797,877
And leaving the nett payment for Ireland of .... (Sterling)	3,098,822

exclusive of part expense of various establishments for carrying on the business of Ireland, incorporated with those of Great Britain.

If then, that country was, by its continual insurrections and disturbances, a source of weakness and distraction to us, and that we had upwards of three millions sterling to pay to support the system of misrule that produced these, he (Mr. H.) had no hesitation in saying, that we ought to try any change, and if not benefitted by it, it would be much better if the two countries were separated.

Ireland with seven millions of population never could be valuable to Great Britain, whilst governed as a colony and by coercion. He wished to make Ireland really an integral part of the empire, and to give her the same privileges and advantages enjoyed by the people of Great Britain, viz. an impartial administration of justice, and an equal participation of civil rights—then, and then only, could she be a source of wealth and power. Under a viceroy, never!

It had been said by Mr. Sheridan, "If the people of Ireland are active and industrious in every country but their own, it must be the effect of their government." Of this he (Mr. H.) had no doubt. He particularly requested the attention of the right hon. secretary (Mr. Canning) to what was formerly said by him in support of the Union. "When once (said Mr. Canning) the Union should be effected, the necessity of keeping up a large army would be removed." Had that result taken place? Had not the contrary taken place? Was there not a very great increase of the army in Ireland since the Union, and it was the duty of that right hon. gentleman and his colleagues to explain the reason. The military force was really more numerous in Ireland than in Great Britain; and such was the state of disaffection of the people of that country that it was absolutely necessary to keep them under by force. In 1792, the army was small, and the expense only 500,000*l.* Now, it was large, and the expense three times that amount. In every department, the expenditure had greatly increased, and ought to be diminished. The salary of the lord-lieutenant, for example, was 20,000*l.* until 1810, when it was increased to 30,000*l.*, and there were other offices, amounting to 50 or 60,000*l.* a year, which would not be requisite, if the lord lieutenant was withdrawn.

If there had been a surplus revenue in Ireland, the people of that country might very reasonably have remonstrated against depriving them of the splendor and expenditure of the lord lieutenant's court: But, as the case stood, the people of England had a right to complain, that such useless and expensive establishments were maintained at their expense. It was therefore the duty of this House, if there were no other grounds, by the abolition of the vice-regal government, to afford relief to our finances [Hear!]. The list of the useless officers attached to the present system, actually filled three or four folio pages of the book he held in his hand. The present was not a time to support such useless expense. The expense of the civil residences and works in Dublin, consequent on the viceroy's government, were also enormous, as appeared by the 7th report of the select committee of 1810, the committee of which the hon. member for Corfe Castle was chairman. The charge for civil buildings in the four years ending the 31st Dec. 1809, was no less than 217,442*l.* —viz. for the castle, 33,621*l.*—for Phœnix-park, 39,948*l.*—the gardens, 9,903*l.*—the military secretary's quarters, 10,865*l.*, &c, &c. All such expenditure ought in future to be saved. The civil establishments, and the civil buildings, were all most extravagant, and worse than useless.

He (Mr. H.) had been asked in what manner the duties, now performed by the lord lieutenant and the chief secretary, could be performed, if their offices were abolished. He had made himself acquainted with the whole details of these offices, and should show to the House in the most satisfactory manner, that every thing could be done better in London than in Dublin, with one or two exceptions, which might also, with a little trouble, be managed with perfect security to the public interests.

The duty of the lord lieutenant, from the time of the duke of Ormond, in 1711, to the Union, had, in the absence of the lord lieutenant, often been performed by lords justices as well as when the lord lieutenant was present; the chief secretary was the executive officer to both, and acted generally by parliamentary enactments, and not by their orders. Since the Union, almost all the patronage had been taken away from the lord lieutenant, and he had little else to do than sign warrants for the execution of the orders from England. He presides at councils as a matter of form chiefly; but these could be held equally well in London. Every warrant he signs might be as well signed in London, as they almost all are conformable to acts of parliament, which leave him little or no discretion. The public and private correspondence would cease, if he was withdrawn, and it would go to the secretary of state for the home department, with whom in reality all the responsibility of the acts of the Irish government rested. The proceedings of the council-office, was a record of all measures acted upon by government, but chiefly when proclamations issue. Lord Clifton, the clerk of the council, had a sinecure: and a deputy and two clerks keep all the books. The principal entries were, the records of church livings, of exchanges and preferments, which could be as well, or better kept in London. Indeed, so trifling were the duties of this office, that the whole of the records since 1810, were contained in one book.

The office of the chief secretary appears to a superficial observer, to be absolutely necessary, in Ireland, but a closer examination will show, that almost every thing may be transferred to the secretary of state's office in London, and then performed free from that sinister influence, and party spirit that abound at the castle in Dublin, and which, in reality, prevent any secretary, however well disposed, from acting with impartiality and justice.

An under-secretary and ten clerks conduct the whole business of that office at present. Its detail was arranged into 12 branches or departments, and, except of criminal police, the way appeared clear how to conduct them all, if the viceroy and secretary were both removed.

The first department of Correspondence existed only between the authorities in England, and the executive in Ireland, and would then go direct to the several offices there.

The second departments of Customs and Excise, were already removed to the English boards.

The third, or Country Letters department would also cease and go to London.

The fourth and fifth departments for Civil Affairs, and Civil Petitions, were mere records, as all the orders of importance came from London, and matters of routine alone, were done by the chief secretary.

The sixth branch for Ecclesiastical Affairs, might all issue equally well from London, where the principal orders originated at present.

The seventh, or Treasury department was already, in reality, entirely removed, and the chief secretary only acts, in money matters, ministerially.

The eighth, or Minute-Book department, is only to keep the chief secretary informed of what passes in his absence from Dublin.

The ninth, or Stamp department has been recommended by the commissioners of inquiry to be placed under the London board.

The tenth and eleventh departments for Police and Criminal Cases, were the only duties which required serious consideration, but there appeared no objections to place them on a footing with the same departments in Scotland.

The twelfth branch, for entering the King's Letters, would be useless as the originals were kept in London.

So that, generally speaking, all orders issued in London from the Home Office, or on the authority of acts of parliament, and their passing through the Irish government was, in almost every case, an impediment to their prompt and efficient execution.

The difficulty of communication between this country and Ireland might, formerly, have been a reason for continuing the vice-regal government, but that reason can no longer be urged, as the time of communication between London and Dublin was shorter than between London and Edinburgh. The Mails from London reach Holyhead in 32½ hours, and the passage across the channel by the Steam-boats are regular—so that 4 days and 5 nights only are requisite to obtain an answer to any letters to or from Dublin and London; whilst 5 days and 6 nights are required to obtain an answer between London and Edinburgh. And he would add, that, by the exertions of his hon. friend near him (sir H. Parnell) Dublin would be brought still nearer London, as soon as the works at the Menai-straits were finished.

An objection to the abolition of the lord lieutenant had been made, he understood, by the inhabitants of Dublin, who considered the splendour and expenditure of his court essential to the prosperity of that metropolis. It might be partially so, but he believed, that Dublin would not suffer by the removal, to any considerable degree, so as to warrant any fears on the subject. It had been predicted at the Union, that the removal of the Irish parliament would ruin the city of Dublin, and that grass would soon grow in its streets. But Dublin was a commercial capital, and whilst it also contained the courts of law, the college, a large military garrison, and was the centre of communication between England and the whole of Ireland, the city must improve. It had, in fact, very much increased since the time of the Union, as the returns on the table of the House, which he had moved for, to prove the fact, clearly showed. In 1798, there were 16,401 inhabited houses, and 182,370 inhabitants. In 1821, there were 19,864 houses, and 223,223 inhabitants—showing an increase since the Union, of 3,463 houses, and 40,853 inhabitants.

In its trade and shipping considerable increase had also taken place. In the port of Dublin the number of ships had increased from 2,575 to 3,029; and the number of tons from 266,729 to 329,569, showing an increase, on the average of three years at each period, of 454 ships, and 62,840 tons. That increase had not taken place at the expense of the other ports, for, in them, the number of ships had also greatly increased, from 4,702 ships in 1800, and 397,283 tons, to 7,869 ships and 713,261 tons, showing an increase of 3,167 ships and 315,978 tons,—more than double in 21 years. If the amount of imports and exports of the port of Dublin were looked at, he felt satisfied, by their amount, that there was little to apprehend, in a commercial view, from the removal of the vice-regal court. On an average of three years before the Union, the value of the imports was 2,607,495*l.*; for three years to 1822 inclusive, they were 3,658,180*l.*, showing an increase in value of 960,775*l.* sterling. The exports in the same years increased from 1,427,847*l.* to 1,594,757*l.*, showing an increase in value of 176,909*l.*

In every point of view, therefore, he saw but trifling obstacles in comparison to the great advantages to be expected from the measure he proposed; and he, therefore, hoped the House would assist him to get rid of the lord-lieutenantcy altogether, and to have the government of Ireland carried on in the same way as in Great Britain, by appointing lord-lieutenants and sheriffs to each county, who should be responsible for its peace, and carry into execution the orders of the executive government in England. There could be no objection to place at their disposal the military force in each district, under the orders of a commanding officer in Dublin, in the same manner as is now done in Scotland under a commanding officer in Edinburgh. He had been asked, where fit and proper persons could be found in Ireland for these offices; but to say that resident noblemen and gentlemen could not be found in each county, capable and willing to take on them that important charge, would be a censure on the noblemen and gentry of Ireland which he should never admit until a fair trial was made and found to fail. Let but that high and important office be made one of honour and responsibility, and the noblemen and gentlemen of Ireland would be found ready to accept the trust and execute it faithfully and efficiently. What now passes with the governors of counties and the sheriffs in Ireland could in no way warrant any comparative conclusion of what would be the result under the new system. At present every office is filled by those whose parliamentary and protestant interest prevails, without regard to their fitness for the office, or even the knowledge of the officer under whom they are to act, and the result is, as might be expected, an inefficient and corrupt system. Let but the lord-lieutenants appoint and be responsible for every public servant in the county under them—let them alone correspond, as in England, with the secretary of state in London—and let their reports of the state of the country be alone depended upon, instead of the reports, as at present, from every officious or interested person that chuses to address the lord-lieutenant. If we judge by the erroneous correspondence respecting the state of the country, and lately published by parliament, with the marquis of Wellesley, it will be impossible to be worse under any system.

No man was rash enough to deny that the condition of Ireland required a change. That the lord lieutenant, so far from improving, in any way, her state, could not live in peace, and carry on the government in quietness, unless he put himself into the hands of the Orange faction, recent events had fully demonstrated. Whilst Ireland presses so heavily on England, at an annual expense of three or four millions sterling, why maintain, at a heavy expense, an officer whose presence was worse than useless — was the source of mischief to the country [hear]. For himself he (Mr. Hume) declared, that he should never think the Union complete, or the recorded pledges of King, Lords, and Commons, fulfilled, so long as a lord lieutenant remained in the government of Ireland. In fact, Ireland was, under such a system, a colony, with all its vices, and without the checks and control against bad government, which existed in Jamaica and other colonies having legislative assemblies and councils. It was contrary to the experience of all ages that good government could exist, or the people be happy, under such a system, and he entreated the House to lend themselves to the change.

At an earlier period of the session, he would have moved for a select committee to inquire into the expediency of the alteration proposed; but there was not now time for such proceedings, and he thought the best course would be, the appointment of a commission by the Crown, to make the necessary inquiry. The commission now inquiring into the collection and management of the revenue of Ireland had performed that duty so ably, that he (Mr. H.) was perfectly satisfied to leave the inquiry to them; but, if there were objections to them, another commission might be appointed without delay, as, in the present state of that country, delay would only increase the anarchy and confusion which had so long distracted that devoted country [Hear, hear]. He should, therefore, move, "That an humble Address be presented to his majesty, praying, that he will be graciously pleased to appoint a commission to inquire whether the government of Ireland, under its present form, ought to be continued, or whether the lord lieutenant and other officers may not, with advantage, be dispensed with."

Mr. *Ricardo* seconded the motion.

Mr. *Goulburn* began by assuring the hon. member, that the wish of preserving the office which he had then the honour to hold, was not the sole, nor even the principal motive for opposing the motion before the House. The hon. member might conceive that office wholly unnecessary; he might think that the duties annexed to it were such as could be dispensed with altogether, or transferred to some other department without risk or injury. But, whatever his opinions might be, it would not prevent him (Mr. G.) from considering the present motion as derogatory to the character of the country, and fatal to the interests of Ireland. The hon. member had, after all, mainly rested his motion on the saving which would be effected by abolishing the Irish establishment. But, there were countervailing considerations to be urged, which would wholly overbear any argument of that sort. It had often been his lot to contend with the hon. gentleman; but never before had he had the good fortune to contend with him, where the motion of economy had been urged to such an absurd and extravagant length. The hon. member had argued, that, because Ireland was a charge of about three million a-year on England, therefore Ireland ought to be made a separate kingdom, with a monarch of her own. He overlooked entirely the benefits which had resulted to the two countries from their connexion, and for the paltry, trumpery consideration of the annual charge of Ireland on this country, he proposed that there should be an eternal separation between them. He could not argue a proposition of that sort; nor could he expect that its proposer would agree with him, nor with those wise and great men who had contended, that something more ought to be looked to than the mere pecuniary advantage which would result from the abolition of particular offices, and that the great question was, how Great Britain might be best governed, with a due regard to the feelings of the people, and the interests of the empire? In Ireland it was necessary that the attention of the government should be not casual only, but regular and daily, for the purpose of suppressing tumult and discord, and discharging all the other duties of ameliorating the situation of the country. It was necessary that there should be some person on the spot, invested with so much of the royal authority as would give efficiency to all public measures. The hon. gentleman, in arguing, passed carelessly over the duties of the present Irish government, omitting some as unimportant, stating that some might be transferred to other departments, and that others might be dispensed with altogether, and then inferring, that the whole establishment of Ireland, with the lord lieutenant at its head, was wholly useless. The hon. gentleman had said, that the lord lieutenant was only occupied with signing warrants; but he had not told the House of the nature of those warrants, whether they were to further the sentence of the law, or to extend the mercy of the Crown; whether they did not involve the most painful and important public considerations. The hon. gentleman had entirely omitted that part of the lord lieutenant's duty which regarded the superintendance of the administration of justice. Some notion of this branch of his duty might be formed, when it was stated that 400 capital cases had been referred, during the last year, to the lord lieutenant. These required the greatest consideration. It was necessary to refer to the legal authorities, to weigh the evidence, to look at the state of the country, and to exercise with the greatest caution the duty of determining whether, on a balance of considerations, the sentence of the law ought to be executed, or the mercy of the Crown extended. This duty could not be discharged by any inferior officer. The House was not so insensible to humanity and the principles of justice, as to countenance in any way the danger and cruelty of delaying this part of the administration of justice, by exciting hopes never to be realized, or cutting off from the miserable criminal, the advantage of such a reference to such an authority. But there was another point which had been omitted by the hon. gentleman, and that was, the feelings of the Irish people. Those who were at all acquainted with Ireland knew, that the middling and lower classes in that country considered their connexion with England, as the result of an act of conquest. They felt as being part of a conquered country, and entertained a strong hostility to the English domination. It was necessary, therefore, that there should be some emblem of royal authority kept up amongst them, as a sort of relief from the painful feelings of subjugated men. If, however, every vestige of independent government were to be removed, and the establishment transferred to London, instead of remaining in Dublin, the universal feeling would be, that Ireland had been disregarded or neglected.—Another reason for keeping up the establishment, was the beneficial effects of the general patronage, by enabling families to put their sons in public offices, there to earn their support, without being obliged to quit their homes and their country. If the present establishment were done away with, the question then arose as to the manner in which the government of that conntry was to be conducted hereafter. It appeared, that one of two modes must be adopted; either Ireland must be made a separate government, or certain officers must be kept up in Ireland doing the duty, but not bearing the name of lord lieutenant. The hon. member for Aberdeen thought the business of the Irish government so extremely light and unimportant, that it could be thrown as a make-weight into the office of secretary of state in England, without augmenting his business thereby to any inconvenient degree. To argue this point in detail was wholly unnecessary. If Ireland must be governed in England, it would be absolutely necessary to have a separate office of secretary of state for transacting the business. The slightest knowledge of the secretary's office here, or of the affairs of Ireland, would convince the House of the utter impossibility of transferring those affairs to that office. The hon. gentleman, though he objected to the existence of a single lord lieutenant, had no objection to the creation of thirty-two new ones. He would appoint a lord lieutenant over each county, with powers equal to those of the present lord lieutenant, except in criminal cases. The result of this, he fancied, would be to destroy faction and party spirit. If this plan were to be adopted, how was the secretary of state to obtain his information from Ireland? There was no other proper mode than from responsible persons of authority in that country. The common channels would be insufficient. Other secretaries might not be found possessing the knowledge of Irish affairs which his right hon. friend (Mr. Peel) possessed. It would be necessary for the secretary of state to repose unlimited confidence in persons of distinction in Ireland. The example of Scotland, referred to by the hon. gentleman, did not exactly apply. The cases of the two countries were dissimilar, and still great inconvenience had resulted to Scotland, from not having some officer like the lord lieutenant of Ireland. A secretary of state had existed there, who was governed by motives of interest, and acted on by external influence, in such a way, that, during the disturbances in the time of sir Robert Walpole, government had been forced to send down a person with new powers and higher authority, in order to tranquillize the country. If, on the other hand, it were contended, that the best way would be, to have a resident officer in Ireland, the point must then be decided as to what rank he should hold: whether this new officer were to have as much power lodged in his hands as the lord lieutenant, or less. If the powers were equal, there could be nothing important in the alteration; if the officer were to have inferior rank and powers to the lord lieutenant, it was much to be feared that his authority would be insufficient for the duties of his office. The hon. gentleman had asserted, that the offices in Ireland were chiefly filled with Protestants; he had offered the Stamp department as an instance, alleging that there were only two Catholics employed in it. Now, to his certain knowledge, there were, for the county of Galway alone, three Catholic distributors of stamps. He did not deny that the offices were chiefly filled by Protestants; and it must be so as long as the greater part of the property belonged to the Protestants. Besides, what particular benefit could the hon. member hope for from employing Catholics instead of Protestants? He could assert, upon the best authority, that neither the present lord lieutenant, nor either of his two last predecessors, ever made any inquiry as to the religion of persons appointed to fill the offices. The only ground of recommendation had been the fitness of the parties. The disproportion of Catholics and Protestants was no evidence of the partiality of the Irish government. He would admit that a few thousands a year might be saved by abolishing the viceregal government; but, would it be desirable, in the present situation of Ireland, to do away with a local executive at this very time so anxiously engaged in directing the civil and military departments of that country, in order to restore its tranquillity? Above all the topics in the speech of the hon. gentleman, however, he objected to the proposition of examining into the subject by means of a commission. Upon what a footing would the government of that country—even now not too powerful for the exigency—be placed on the arrival of commissioners to examine into the functions of the executive officers, and to make inquiries among those who were subordinate, into the manner of discharging those functions? It was plain that the government must sink in its consequence, and that its authority would be weakened in the same proportion. If the subject demanded inquiry, let the House undertake the task. After recapitulating his previous arguments, the right hon. gentleman concluded by opposing the motion.

Sir *H. Parnell* said, he had recommended to the House, some sessions ago, to adopt the plan now proposed by the hon. member for Aberdeen, and all he had seen and heard since, served to confirm him in the opinion he had then expressed of the expediency of the measure. He considered it to be utterly impossible to administer the English constitution by a deputy executive government. The moment the king ceased to be at the head of government, the constitution of that government ceased to be the English constitution. A viceroy must be more or less a partizan, let his disposition be ever so strong to avoid lending his countenance to one party or to another. He never can, in Ireland, avoid having one or other of the great parties, into which the country is divided, opposed to him; and there was no prospect of the existing animosities subsiding, until the cabinet took the government of Ireland into its own hands, and administered it in the name of the king. The hon. member for Aberdeen had laid before the House a very accurate statement of the nature of the public business that was transacted by the lord lieutenant and the chief secretary. He had completely established the case, that out of twelve divisions of business one only now remained, that of police, and the administration of justice. The whole of the military, financial, and commercial business of the country, was taken away, already, from the lord lieutenant, and transacted in London. The inconvenience and abuses belonging to the system of separate authorities had made this arrangement absolutely necessary; and why should not the police of Ireland be administered with equal efficacy and convenience to the public in London? At present the system of police government in Ireland was extremely defective. This was evident from the despatches of the lord lieutenant, for from whom did he receive his information, from the counties? By communication with a police magistrate or some English colonel of a regiment. The names of the resident noblemen, and of the country gentlemen of consequence and consideration never appeared in a despatch; they were passed by; and the consequence was, that government was continually imposed upon by false accounts of the state of the country. If there was no lord lieutenant, but a secretary of state for Ireland, a member of the cabinet resident in London and in constant communication with the cabinet; and if each county in Ireland had a lord lieutenant to communicate with the secretary of state, the system of police would be infinitely of greater efficacy than the present system was, the case of capital convictions might present some difficulty; but this was to be overcome by a proper arrangement of a plan, and was not insurmountable. It was not correct to say that there existed any strong or general feeling in Ireland, against the removal of the office of lord lieutenant. He heard of no other opinion among those with whom he had lately conversed on the subject, but a decided opinion of the necessity of the proposed change. The country would, infinitely, rather see his majesty visit it every third or fourth year, than have a perpetual lord lieutenant: and, considering how considerable a portion Ireland was of the united kingdom, it was not too much to expect that the king should pay this attention to it. In regard to Dublin, the university, the garrison, the law courts, the number of travellers who, of necessity, frequented it, the trade of it, secured every prospect of its becoming a flourishing city. The imports of its port had been one million a year, on the average of the last five years, greater than they were on an average of five years preceding the Union; and there had been an increase of 4,000 houses, and of 55,000 inhabitants since the census taken by Dr. Whitelaw. The acts of this session for repealing the Union duties would be of great service to Dublin; and some compensation might be made to her by repealing local duties. But it was to be remembered, that of late years Dublin had derived very little pecuniary advantages from the lord lieutenants. The expenses of the Court had been very moderate, and if report spoke true, a considerable portion of the salaries of lords-lieutenant had been remitted to this country. It was a great mistake to say the viceroy gave weight to the royal authority. The royal authority would be much more respected if the government was administered in the name of the king. The intervention of a viceroy had a direct tendency to diminish that authority. The people had suffered so much injustice from the local Irish government, that they never would place confidence in it. They never could feel that the rights of the constitution, and the pure course of justice were fully secured to them, while that system of government remained, which had, for so many ages, repeatedly invaded them. It was necessary, in respect to Ireland, not merely to give to it the whole of the English constitution, but the whole system which existed in England for administering it; and for this reason, it was an indispensable part of a complete settlement of the various disorders which existed in Ireland to get rid of the separate executive government.

Mr. *D. Browne* opposed the motion, and felt convinced that the very mention of it in Dublin would raise a sort of rebellion.

Mr. Secretary *Peel* said, that as he had filled one of the offices which the hon. gentleman proposed to abolish, and now filled that upon which it was proposed to charge the duties, he thought he had some claim upon the attention of the House. The question which they had to consider was, whether or no they thought it advisable, in the present circumstances of Ireland, to abolish the local executive government. The whole merits of the proposition lay in the advice of the hon. member to put Ireland upon the same footing of government as Wales, or any other subordinate kingdom or province which had been incorporated with the British empire. Now, he conceived that Ireland was by no means in a fit state for effecting that change. It was not a question of expense, but of expediency and policy; and a few thousands of pounds could not weigh at all in the consideration of it. He thought that a local executive was an essential and necessary check upon a country so remote, which was an ancient kingdom, and, till the last twenty years, had a separate legislature. On the other hand, what with the growing population and commerce of this kingdom, the duties of the Home office were now quite as much as one man could faithfully execute. The House would consider, that, in the exercise of that great prerogative of mercy, it was the duty of the Home secretary to communicate personally with the judges upon each particular case; to try each case over again, in fact. This was only one branch of the duties of that office, which, as he had observed, were quite enough for any one man. Now, if the Irish affairs were to be turned over to the same hands, as the labour would then be too much, was there no danger that, between the interests of Wales, and Scotland, and Ireland, some of them might be neglected; and, was it not very likely to happen to the interests of that country which was most remote from immediate observation? To prove to the House what would be the probable augmentation of business in the Home office by acceding to the motion, he would only mention, that in the past year there were in Ireland 8,312 criminal convictions; out of those, there were applications for mercy in 2,400 cases, out of which, 400 capital sentences were set aside. If a separate Secretary of State should be appointed for Ireland, his absence from that country would be highly injurious, and yet it could not be avoided, for he must sit in parliament. [Mr. Hume said, "So he does now."] Yes, he did so now; but now there was a lord lieutenant in Dublin, whose presence effectually prevented the danger which might arise from the neglect of subordinate agents.—The hon. gentleman had said, that the appointment of a secretary of state instead of the lord lieutenant would remove him from the influence of party, and all the prejudices which party engenders; because he would reside, of necessity, in England. Now, if this reasoning were correct, it would follow that the secretary of state of England could discharge his duty better by remaining in Dublin, or perhaps at Holyhead, where he would not be assailed by English or Irish party prejudices, unless some gentleman should think he was in danger from those of Wales.—The hon. gentleman had urged too, as a reason why the office of lord lieutenant should be abolished, that he had lost all his patronage, but he could assure the hon. gentleman, that all that patronage which was of real importance to the interests of the people still remained in the hands of that functionary—that of the church and of the law; and he would ask, how it was possible that this patronage could be usefully or wisely exercised, unless local knowledge of the country was possessed by the person to whom it was intrusted.—The right hon. gentleman proceeded to expatiate upon the inconveniences which would attend the measure proposed by the motion before the House. He requested gentlemen to consider—recollecting as well the rebellion of 1798 and the disturbances of 1803, as the existing state of that country, whether it would be wise to dispense with the advantages of a local government, and whether it was possible that a sufficient vigilance could be exerted over the affairs of Ireland, without the immediate authority of a superior direction. If these were conceded to him, then the House must agree, that it would not be wise to weaken in any measure, that local government; and he would ask any one acquainted with Ireland, whether the arrival of a commission at Dublin would not be regarded as the superseding of the lord lieutenant? He did not stay to examine if the people were wise, or if they were philosophers, but he knew that this would be the effect of the measure. It were much better that the lord lieutenant should be removed at once—he would rather that the government of Ireland should, at once, be committed to a secretary of state, who was not suspected

—than that it should remain in the hands of a lord lieutenant, the expediency of the duration of whose office was thus to be made a matter of doubt. He thought he had said enough to show the House, that, in the present circumstances of Ireland, nothing could have a more mischievous effect upon the country at large than disturbing the local government.

Mr. *Abercromby* thought, that as the proposition before the House was, whether an inquiry should be made into the best mode of governing Ireland, and as there was quite enough of suspicion about the present government to justify such an inquiry, the subject deserved, at least, a fair and impartial consideration by parliament. He thought his hon. friend (Mr. Hume) had been unfairly dealt with. He had mentioned the subject of expense, but only as a minor part of the case, and not that point upon which it was mainly to rely. It should not be said, that this question was brought forward upon grounds of economy, and not upon the broad grounds of wisdom and policy. He was willing to admit that, upon abstract principles, Ireland was entitled to a local government; but, the question to be decided was, whether the experience of late years, and the change of circumstances, had not now rendered the alteration which was proposed expedient. He would admit, too, that it was fit the person intrusted with the government of Ireland should be possessed of local information; but this argument was not conclusive. The advantage of having the minister for Ireland identified with the cabinet of England, and being ready to answer in his place in parliament any question that might arise, was obvious, and would afford a better chance of security to the people of Ireland, by the scrutiny which the subject would then undergo. How the proposition was to be carried into execution, would be a matter of detail which must be afterwards considered. He had hoped to have heard from the right hon. gentleman, who, in his double capacity of minister for England and for Ireland, was well qualified to afford information upon this topic, some better reasons than those which he had advanced against the resolution; but, with the exception of this single objection respecting the administration of justice in criminal cases, his doubts had been confirmed, and even that might, he thought, be removed. The object of appointing a committee was only to lay before the House, in the best manner possible, information upon a subject which involved the best interests of Ireland. No offence could be meant to the lord lieutenant by any measure adopted by that House, in which, if it were polled, his the noble marquis's friends would be found to form a large majority. He thought the public was much indebted to his hon. friend, for having brought this subject before the attention of parliament; and he believed that the measure, whatever might be its fate now, must, eventually, be adopted.

Sir *J. Newport* said, he thought nothing could be more injurious to the interests of Ireland, or more irritating to the feelings of the people, than the proposal before the House. For his part, if he were in the situation of the lord lieutenant, and a committee were appointed to inquire into the necessity of the existence of his office, he should not feel warranted in holding it one hour longer. But he spoke only from his feelings; and different people had different feelings. When gentlemen talked of the danger to which Ireland was exposed, and reasoned from that in favour of the resolution, he would refer them to a period of danger during a very wise administration—that of queen Elizabeth; and remind them how different a policy was then adopted. When revolt and rebellion disturbed Ireland, that queen did not remove the lord deputy, but sent Lords President to the disturbed provinces, to aid in restoring them to tranquillity; she caused the seat of government to approximate as nearly as possible to the disorders, and where mischief was, thither she sent the remedy. He had spent a long life, and during a large portion of that life had assisted in the discussions of parliament; in the course of nature, he should probably soon take his departure, but he was glad to have that opportunity of stating his firm conviction, the result of his experience, that there could be no measure by which the feelings of the people of Ireland would be more likely to be exasperated than by the removal of the seat of government. They would look upon it as the last scene of their degradation. They would think that the expectations which had been held out to them at the Union were all destroyed. The evils of non-residence would be increased; the nobility, many of whom he could name if it were necessary, and who remained in that country at present, would quit it as soon as the court should be removed. He had never felt a more decided conviction that he was doing his duty, than he did in giving a negative to the motion.

Mr. Secretary *Canning* said, that the opinion which he had formed upon this subject before the debate had commenced was fortified beyond all measure, by what he had since heard. Although the testimony was conflicting upon the subject, the conclusion from general principles was so obvious, that he thought it could not be mistaken. Let the House suppose that a few years had passed since this measure of removing the government from Ireland had been adopted. The Secretary of State would, of necessity, be ignorant of all those local peculiarities which, under the present system, were so accurately detailed. He could not conceive any thing more extraordinary than that the House should consent to strike away all those advantages which were derived from the presence of ministers who had served an apprenticeship to the Irish government. But, the motion before the House afforded in itself the best proof of the value of local information: for it was proposed to send a commission to Ireland to collect that local information before the House should decide. It was not ventured even to lay the foundation for that absent form of government which was to be recommended, until such information should be obtained. If this, then, were to go on, commissions must of necessity be appointed as often as it was necessary to procure information; and, instead of collecting it without shock or confusion, the House must send commissions, each with power equal to that of a lord lieutenant, to collect and bring home particulars, which they were certain must be procured during a perturbed state of the public mind. That information was best gathered and laid by for future use during the ordinary current of events; and not by fits and snatches, as often as separate events required separate inquiries. But, the chief objection to the measure was, that its effect would inevitably be, that, if the executive government were removed, the practical power would be thrown into the hands of parties. Two generations of English ministries, however short, would not have passed, before the person holding the office of Secretary of State would find himself obliged to pin his faith upon some individual or some connexion in Ireland; and all those evil consequences must ensue, to correct which the power of England had been exerted. The table of the House would be covered with petitions, complaining that, owing to the distance of the executive government, no minister, however well-intentioned, could possess sufficient information for the due administration of justice. He could not lay out of the question, that, in the present temper and condition of Ireland, the loss of the sum of 100,000*l.* a year, and all that grew out of the expenditure of the court, would be a considerable evil to the people of that country, whether the chasm which it would make in their commerce, or the effect it might have upon their feelings, were regarded. He could not but think, that this would be breaking the last link which bound the two countries together, and adding to sore feelings and distress, at a moment when those feelings were sufficiently irritated and that distress sufficiently severe. On these grounds, he not only decided against any change in the government of Ireland, but against any inquiry which should seem to imply that parliament meditated such a change—a measure than which he thought nothing could be, in the present state of that country, more mischievous.

Mr. *Dawson* contended, that the proposition was one of the most impolitic and injurious that could possibly be broached.

Mr. *R. Martin*, as he had a large share in bringing about the Union, wished to observe, that at that time it was positively understood, that a permanent lord lieutenant should be always residing in Ireland. Adverting to the thin attendance of members, he expressed his surprise, that after the pompous advertisement which the hon. member for Aberdeen had posted up of his intention to make the present motion he should have so poor a benefit. He would rather vote at once to supersede the lord lieutenant than vote for the commission. It appeared to him to be very little short of a revolutionary proposition.

Mr. *Hutchinson* regretted that he could not concur in the motion of his hon. friend. He was convinced that great mischief would be occasioned if, at this moment, there appeared any disposition on the part of parliament to remove the marquis Wellesley from the government of Ireland; and, if the proposition now before the

House were carried, he had no doubt that it would give rise to an idea that parliament did entertain such a feeling. If it were to go abroad that government did not intend to support the course of policy marked out by that noble person, very unfortunate consequences would inevitably be the result. Although some circumstances had occurred in the course of the noble marquis's administration which were calculated to produce feelings of pain, still he thought it was wise and proper to support him until his system of policy was clearly and plainly developed. He should, therefore, give the motion a negative, lest the motives of the House should be misconceived if they came to an opposite conclusion. It might be right to appoint such a commission as his hon. friend moved for; but the present, in his opinion, was not a proper moment for such a proceeding. When his hon. friend spoke of the enormous expense incurred by the military force, and by the number of barracks in Ireland, what answer did he (Mr. Hutchinson), as an Irishman, give to him? It was by retorting on his hon. friend, and on the British nation, that abominable system of misgovernment which had been pursued for centuries by this country towards Ireland—a system which had converted Ireland into one great barrack. It was true, there had been, and there was, a profuse expenditure alike injurious to Ireland and disgraceful to this country; but the government of England was to blame for it. He felt most deeply the miseries under which Ireland now suffered: and, if his voice could reach that country, he would exhort every portion of his countrymen to bear their fate with patience, and not to let feelings of anger hurry them to a breach of the laws, which would only add to their miseries.

Sir *George Hill* said, that officially connected with Ireland as he had the honour to be, it might be expected that he should express an opinion on the present important proposition; the House would therefore, perhaps, indulge him with their attention for a very few minutes. He did not intend to enter into any abstract reasoning on the necessity of having a lord lieutenant of Ireland, nor to attempt to prove that under all circumstances and at all times, that country should have a lord lieutenancy established there: but he wished to express his conviction that situated as that country was at present, an executive authority resident was indispensable for its peace and security; distracted by party as it had been stated to be, the constant daily vigilant attention of an impartial vigorous mind was essential to its tranquillity. These qualifications were eminently possessed by lord Wellesley, and he had had his (sir G. Hill's) co-operation, as a private gentleman connected with Ireland (exclusive of his official allegiance to him), to keep down the manifestations of party spirit, by the best exertion of his influence. To this end, the lord lieutenant had duties to perform, which could not be effectively exercised by any secretary of state resident in London; but he had likewise, at that particular moment, to watch with unceasing diligence, the projects and movements of a regenerated Roman Catholic parliament, assembled for purposes the most alarming, bearding his authority; and which might yet call for a prompt exercise of it, that no secretary residing in this country could, at the critical moment required, put into execution.—Whilst some gentlemen argued, that the marquis Wellesley's government was valuable to restrain what they termed "the faction," (and he was sure his power would and ought to be directed against whatever might be factious) he felt confident, it would not pass by the proceedings of an assemblage of agitators who threatened the country with the worst calamity which could befal it—men who were so litte awed or restrained by an executive government on the spot, at their very door; a government capable of commanding and bringing into operation, at a moment's warning, all the civil and military powers of the country, what dangers might not be apprehended from these men, if they saw they were only to be dealt with by a secretary from his office in Whitehall? This brief review of the present state of Ireland, and particularly of its metropolis, induced him, without further reasoning or argument, to pronounce that the lord lieutenancy of Ireland could not at that time be with safety abolished.

Mr. *Hume* shortly replied. He said, that in submitting this proposition to the House he had no idea of reflecting on the government of the marquis Wellesley: and if gentlemen pleased, he was willing to add to his motion, that it was not meant in any degree to refer to that noble person. The chief Secretary for Ireland and the right hon. Secretary for the home department, had not, in any way, answered his observations. They had contended against arguments conjured up by themselves; but which he (Mr. H,) had never even thought of. The saving of 130,000*l.* a-year, which would be effected if his motion were adopted, was nothing if compared with the extent of benefit which would be secured in other respects. He did not propose that the change should take place now. That was an error into which the gentlemen opposite had most unaccountably fallen. He was willing, if it would please the House better, to leave out the words, "a commission to inquire," and to substitute "take into its consideration."

Strangers were then ordered to withdraw, and the gallery was nearly cleared for a division, when Mr. Hume expressed his intention not to divide, observing, that probably a similar motion would, ere long, emanate from the other side of the House. The motion was then negatived without a division.

EDUCATION OF THE POOR IN IRELAND,] Sir *J. Newport* rose to submit the motion, of which he had given notice, relative to the accounts of diocesan and parish schools in Ireland, and the reports of the commissioners of education there, with the view of more detailed inquiry at the commencement of the ensuing session, into the means of imparting most efficaciously to the whole body of the people, without religious distinction, its essential benefits, and rendering the funds available, which were destined for that great national object. His object, he observed, was to pledge parliament that they would, at an early period next year, enter into a full investigation of this interesting question, in order that they might deliberately consider what had been done for the general education of the people of Ireland. Parliament ought to exercise its inquisitorial power, and to see that funds which were left for the education of the people, without regard to difference of religion were applied, through the proper channels, to that most important purpose. He had, at the commencement of the session, moved for various papers, which threw great light on this subject. However gentlemen might differ on other points, he believed they all agreed on this—that general education was the most certain mode by which the situation of Ireland could be ameliorated. Many years ago, education was looked upon as the only effectual cure for the evils by which Ireland was borne down. In 1787, the subject was deeply considered, and a plan of general education was about to be set on foot; but the death of the duke of Rutland prevented the project from being carried into effect. In March 1788, a bill was brought in, appointing commissioners to inquire into the disposition of all revenues which had been intended for charitable institutions. The commissioners discovered that, in the province of Ulster, the public grants which were voted for the support of the Protestant free schools had been diverted from that object. The commissioners under that act of parliament, which was continued by a subsequent act down to June, 1796, detected numerous abuses of the grossest nature. They found that, in many instances, the money which should have been devoted to the education of the people, had made its way into the pockets of private individuals. In 1796, it being discovered that persons of weight and consideration had participated in these abuses, the act was suffered to expire, and no report was made to parliament. In 1806, a magistrate's book, containing a statement of the conduct of those who had abused certain charities, happened to fall into his (sir J. N's) hands, which he immediately communicated to the lord lieutenant, the duke of Bedford, and also to an old friend of his, who was then in office. With their assent and approbation, he subsequently brought forward a motion for the appointment of commissioners of education, who were nominated under the act of the 46th of the late king. A number of most useful reports emanated from those commissioners. In consequence of their representations, beneficial measures were adopted, with respect both to royal and private scholastic foundations, and they afterwards entered on the subject of parochial schools. These schools were ordered to be founded in the time of Henry 8th, immediately after the Reformation. It was then enacted, that every parochial clergyman, on entering on his benefice, should contract a solemn engagement to keep, or cause to be kept, a school for teaching the English language. Annexed to these schools were to be various lands, the profits of which were to be applied to the extension of the benefits of education to the people in general. At a very early period, the anxiety of the people for those benefits was remarkable. Generally speaking, the legislature was too much in a hurry, however, to reap the fruits before the soil had been properly cultured; and he could not help expressing his wish, that before any particular tenets were endeavoured to be taught the poor, their minds should be first properly prepared to receive and understand them. The right hon. baronet then alluded to the establishment of diocesan schools in Ireland, as projected by a statute passed the 10th of July 1813, in conformity with the report of some commissioners who had been appointed to inquire into all matters connected with this subject. To prove how necessary inquiry into the matter was, he would refer the House to the returns of diocesan schools lately laid before them. From the dioceses of Killaloe, Meath, and others, and the archbishoprics of Armagh and Tuam, no return at all had been forwarded. These returns, however, were in fact, almost entirely unintelligible. In the archbishoprick of Tuam, where there were twenty-four benefices, only six had schools; and of these, three were entirely supported by the clergy. In the diocese of Cloyne, fifty-eight benefices were returned; and of these, only twenty had schools. In an account lately published, it appeared that the value of the benefices in the diocese of Cloyne was 40,000*l.* a-year; and this was confirmed by the statement of Mr. Bates, in the first volume of his parochial survey. In the diocese of Elphin there was a considerable number of diocesan schools; but those were maintained by the London Hibernian Society. There was one case, however, in which a Protestant school had been kept up in a manner so disinterested and honourable, that the House would willingly pardon him, if he mentioned one or two particulars. In the parish of Archol, in the diocese of Ferns, a return had been made, highly creditable to the clergyman of the place, Mr. Mahon, who had built one of two school-houses at his sole and entire expense. The right hon. baronet concluded by stating, that he thought the only proper system of education to be pursued there, was one which, by the exclusion of any set formula or catechism, should induce the children of Roman Catholic and of Protestant parents, indifferently, to participate in the advantages of religious instruction. The bible might there be put into the hands of children with such a commentary as he had lately seen; going solely to elucidate particular passages requiring explanation, but which were explained without any view to the establishment of this or that particular dogma or tenet. His object was, to extend to Ireland, in the best and most useful way, a system of general education for the people. He should therefore take the liberty of moving, "That this House, deeply impressed with the serious responsibility imposed on parliament of promoting, by every possible means, the general instruction of the people, will, at the commencement of the ensuing session, enter upon a detailed and accurate inquiry into the state of education in Ireland, and into the means of extending its essential blessings to the whole body of the community, without religious distinction, as well as of rendering those funds available which are or may be destined to this great object by public or private munificence, or secured to it by statutory or other provision, subject to no other restriction or limitation than such as the will of the donors, or the wisdom of parliament, may specially direct."

Mr. *Goulburn* thought it was an inexpedient thing in general, and particularly in the present case, for parliament to enter into pledges in one session, as to what it would do in another. He objected also to this species of parliamentary interference with the management of the parochial establishments. As little could he concur in the proposition of educating Roman Catholic and Protestant children on one and the same system, without making them sensible, as suggested by the right hon. baronet, of the distinctions between their respective creeds. But, while he was opposed to the motion, he was friendly to inquiry next session.

Mr. *S. Rice* contended, that inquiry was clearly called for, and expressed his satisfaction at the promise of the right hon. gentleman, to give every information on these topics in his power.

Sir *J. Newport* said, he willingly withdrew his resolution; his object, which was to ascertain the disposition of the right hon. gentleman upon the subject, being completely obtained.

The motion was withdrawn.

LARCENIES (BENEFIT OF CLERGY) BILL.] On the third reading of this bill,

Sir *J. Mackintosh* rose to propose an amendment. He observed, that he had taken the earliest opportunity of expressing his objection to the amelioration of the criminal laws proposed by the government this session; because he thought it inadequate to the pledge which parliament had given last session, and did not go far enough to satisfy the wishes of the public. The object of his amendment was, not to effect a more extensive reformation of the criminal laws than was proposed by the bill, but merely to make the bill do what it professed to do in its preamble; namely, to take away the capital punishment in certain cases which were specified. The House was aware that many bills had been introduced to repeal the act of the 10th of William, which made shop-lifting to the amount of 5*s.* a capital offence. Several of those bills had passed the House of Commons, but had always been thrown out in the Lords, except in the last instance, in 1821, when the peers amended the bill, by declaring, that shoplifting, unless to the amount of 15*l.* should not be a capital offence. Since the passing of the act of 1821, the judges had held, that stealing in a shop attached to a dwelling-house to the amount of 40*s.*, was a capital offence, under the statute of the 12th of Anne. This judicial construction completely defeated the intention of the act of 1821. The object of his amendment, therefore, was only to carry into effect that act. For that purpose he moved, that after the words "privately stealing goods or chattels in any shop, warehouse, coach-house, or stable," be added the words "although such shop, warehouse, coach-house, or stable, shall be attached to, and form, part of a dwelling-house."

The *Attorney General* opposed the amendment. The object of the bill before the House was merely to carry into effect what had been proposed by his hon. and learned friend himself; namely, to repeal the act of William, but to leave that of Anne untouched. He could see no reason why privately stealing in a shop, which formed a material parcel of a dwelling-house, should not be considered as great a crime as stealing in any other part of the House.

Mr. *J. Williams* was of opinion, that the intention of the act of 1821 would be defeated, unless his learned friend's amendment were carried.

The *Solicitor General* opposed the amendment, and Mr. F. Buxton and Mr. G. Lamb supported it.

Mr. *Peel* defended the bill, and contended, that the measures before the House formed the most extensive experiment of mitigation of punishment that had ever been made in this country.

The House divided: For the Amendment 19. Against it 35. The bill was then passed.

List of the Minority.

Abercromby, hon. J.
Bankes, Henry
Evans, J.
Hobhouse, J. C.
Knight, R.
Lamb, hon. G.
Leader, W.
Lennard, B.
Martin, R.
Mackintosh, sir J.
Monck, J. B.
Newport, sir John
Rice, S.
Robinson, sir G.
Smith, W.
Thompson, Mr. sheriff
Wilberforce, W.
Wilson, T.

TELLERS.

Buxton, F.
Williams, J.

HOUSE OF LORDS.

Thursday, June 26.

Appellate Jurisdiction.] The Earl of *Liverpool*, in rising to move the order of the day for taking into consideration the report of the committee on the Appellate Jurisdiction, said, it was not his intention to proceed further than to bring in a bill which had been prepared, founded on the report of the committee, which might be read the first time, be printed, and then stand over for further consideration. In 1813, their lordships had under their consideration the best mode of facilitating the administration of justice in that House, and they had then resolved to sit three days in the week during the session, for the purpose of hearing appeals. It was satisfactory to their lordships, that whatever might be the difficulties, either in that House or in the courts, the House had nothing to reproach itself with; for it had most steadily adhered to the standing order then made. But, on looking to the returns on the table, it appeared that the House had not been able (if he might use the expression) to overtake the business, and the grievance was as great now as it was in 1813. The noble earl here referred to the report of the committee for the present state of the appeals, from which it appeared, that the appeals from England were annually 5; from Ireland 8 or 9; and from Scotland 40. In addition to this numerical extent from Scotland, the time which the Scotch appeals occupied was much greater than those from any other part of the kingdom. The state of the case was this—whatever might be the occasion of it, the whole of the grievance was the appellate jurisdiction from Scotland. If they came only in proportion to the judicial business from other parts of the empire, the business in that House could easily be kept within proper bounds, and the effect would be very great in the other courts, particularly in the court of Chancery, from which the distinguished individual who presided in that court was withdrawn, to attend to the duties which grew out of these appeals. The first question which naturally presented itself to every mind, was this—would it be possible to remove the appellate jurisdiction of Scotch causes? If that were practicable, and conceived to be advisable, it would at once remove all the difficulties which they now laboured under. And he had no hesitation in stating his opinion (not meaning to say that it was the opinion of the committee), that with respect to removing the appeals from Scotland, he saw no objection to the principle, but very strong and forcible reasons in favour of it. [Hear, hear.] What were the cases in which the House was called upon to decide in the dernier resort? They were called upon to decide on the law, of which as English lawyers they knew nothing; the Scotch law being as different from the law of England as that of any foreign country. He knew that his noble and learned friend on the woolsack, with the accumulated experience of thirty years, had administered that law as much to the satisfaction of the people of Scotland, as he did that branch of the English law to the satisfaction of the people of England. But, with the exception of his noble and learned friend, and another noble and learned lord not now present (lord Redesdale), and two or three individuals at the bar who had made it their peculiar study, the whole of the bar and the bench of judges were entirely unacquainted with the law of Scotland. Looking then, at this, he would say, that the most simple remedy would be, to relieve the House from the Scotch appeals, and appoint a special jurisdiction for the purpose. He was fully aware of the difficulties which would stand in the way of such a measure; and on the score of public opinion (so far as the committee could collect) it appeared, that the opinion of the people of Scotland leaned very strongly to the appeals to the House of Lords; and therefore it might be expected that they would look with disfavour on his suggestion. But there was another objection still more powerful. If there lordships were of opinion that the Scotch appeals should be removed, still, before the House could adopt any such prospective measure, they must get rid of the arrears. It would consequently be a very considerable length of time, before their lordships could adopt any such measure, and the committee had, therefore, looked to other remedies. The greatest advantage resulted from the simplicity of our law and the precision in our pleadings in checking appeals; and it was believed that if a complete revision could take place in the form of proceedings in Scotland, and instead of being in writing, that they should be by oral discussion and argument, it would simplify those proceedings, and the same advantage would result as was felt in this country. Though much might be done in this way, yet all could not be done; but he could see no objection to a trial being made, and the committee had strongly recommended the appointment of a commission thoroughly to investigate the subject, and from whom a report might soon be expected; at least, no time would be lost by the adoption of the measure, and it could do no harm; for the number of appeals to be disposed of was so great (and nothing prospective could be done till they were got rid of), that the House would be in possession of the report before that period arrived. The first proposition, therefore, which he had to submit to the House was, a bill for the appointment of a commission, with reference to the inquiry to which he had alluded. He came now to the more pressing question of what was to be done with the existing arrear. If the House could do away with the Scotch appeals prospectively, he did not see that they could send the arrears to any other tribunal. As far, therefore, as regarded them, the House must deal with them in some way or the other. The House had already made the effort of sitting three days in the week, certainly to the prejudice of the administration of justice elsewhere. He saw, therefore, no way but increasing the number of days during which the House would sit for hearing appeals; and he was at first for proposing to extend it to six days; but those best acquainted with the extent of the judicial business of that House were of opinion, that five days in the week would be as much as could be devoted to the purpose. The next consideration was, the proper steps to be taken, with a view to enforcing attendance in the House; for though the three days' attendance had not been enforced by any compulsory means, the committee were of opinion, that there would be no objection to resorting to it, and they had suggested, that the same means should be resorted to for that purpose, as took place on the bill of pains and penalties against her late majesty. The result of which would be not more than one day's attendance for each peer during the session; which was not so very appalling, particularly as any other noble lord might attend as a substitute.—There then arose the very important consideration of who was to sit as Speaker of that House to discharge the duties which the lord Chancellor at present discharged? He would at once state, that the whole object he had in view would not be attained, if it extended no further than the relief of the business in that House, and did not also extend to the Court in which the noble and learned lord presided. The benefit which he (lord L.) looked to was, to enable the noble and learned lord to give that portion of his time to the court of Chancery which he at present devoted to the judicial business of that House. He had no new principle to introduce to the House, for it had been the invariable practice for his majesty to appoint one or more persons as deputy Speaker of that House, and at the present time the chief Baron of the Exchequer was the first in the commission, and the chief Justice of the King's-bench the second. It was not, therefore, necessary for the deputy Speaker to be a peer, and it might not be unimportant to mention, that it was consistent with the standing orders of the House, to give the deputy Speaker the right (not to vote, for that they could not give) but the right to give his opinion when their lordships required it. He had, perhaps, used the word "right" improperly. He meant, not that the individual had the right, but that their lordships might, for their own purpose, if they thought fit, give the right to the individual. With this view, therefore, there was no difficulty in dealing with that part of the subject, and he did not see what other mode there was for getting rid of the arrears. If it had been found impossible to draw the lord Chancellor from the court of Chancery for three days, even, without retarding the business of that court, and the House were to make it necessary for him to attend for five days in the week, he would clearly be unable to attend to any part of the business of the court of Chancery. He (lord L.) knew there had been other modes by which it was thought this object might be attained. It had been supposed, that it might be attained by taking away part of the business which was executed by the lord Chancellor in matters of lunacy and bankruptcy—both very important branches of business; and he should be unwilling to see any part of it withdrawn from the lord Chancellor. The jurisdiction in matters of lunacy was very important, and the decisions in bankruptcy were without appeal; which was a strong reason why their lordships should be averse from withdrawing it from the lord Chancellor. But the more urgent reason was this, that if they did so withdraw them, it would give no sufficient relief; for, supposing that the lord Chancellor was freed from attending to bankruptcies and lunacy cases, the number of additional days on which he might be able to give his attention to the business of appeals in that House, would be comparatively few, and altogether insufficient to discharge the whole of the business which would await their lordships' consideration. He thought, therefore, that that project would be insufficient to remove the present inconvenience. There was another proposition suggested. It was, that the office of lord Chancellor should be revised, and that it should be separated from that of Speaker of their lordships' House. To this he had extremely strong objections. He was, in the first place, unwilling to see that high and ancient office frittered away by regulations for reducing or dividing its duties; but even if that were done, it would, he maintained, still be insufficient: for, as it was said that the appointment of a vice-Chancellor increased the business in one respect, by leaving appeals from him to the Chancellor; so he would contend, that the business before their lordships would rather be increased than diminished, by the separation of the office of Speaker of their lordships' House and president of the court of Chancery. Appeals would still be made from the court of

Chancery to their lordships, and very probably in greater number, when the same individual did not preside in both. Therefore he contended, that this mode, if unobjectionable in other points of view, would be insufficient to relieve their lordships from the present inconvenience; and, upon the best consideration which he could give the subject, having turned it over in his mind for some time back, he did not see any mode by which they could relieve themselves from their present difficulty, unless, indeed, they withdrew the appellate jurisdiction of Scotch cases altogether, and even then the relief would not extend to the cases which had been already entered for their lordships' decision. He had thus given their lordships a general outline of the intended measure. He would now move, that the bill which had been prepared for this subject be read a first time.

The Earl of *Carnarvon* said, he could not remain silent after the extraordinary proposition which he had just heard from the noble earl opposite. It was not necessary for him to go at that moment into an inquiry into the causes of this vast accumulation of business before their lordships. He admitted that whatever was the cause, the accumulation was a great evil; but when he looked to the extraordinary remedy proposed, he would ask, whether the evil would be half so inconvenient as this extraordinary remedy—a remedy which consisted in the establishment of a tribunal, such as had never before been heard of in their lordships' house. He admitted that the great number of appeals was an inconvenience; but it was an inconvenience which could not be avoided. It was incidental to their lordships' situation, as the highest court of judicature.—The noble lord then contended against the appointment of a Speaker in their lordships' house, who was not a peer. It was stated, that part of the new plan for the hearing of Scotch appeals was, that three peers should sit in turn, presided by the new Speaker. Now, to this he had the strongest objection. It would, he maintained, be derogating from their lordships' dignity, and attended with inconvenience to the suitors. Three peers were to sit one day, and be succeeded by three others on the next. He would suppose an appeal commenced on one day; a part of it would be heard by the three peers who sat on that day; the next day three others of their lordships would have to hear its continuation, who had not heard a word of the opening; three others would have to hear another part of the case on the ensuing day, and the three peers who might have to decide, after the whole had been gone through, would have to give judgment, on perhaps a most important matter, of which they had only heard the concluding part. How was it possible that strict justice could be done by such a mode of administering it? But then it might be said, that the Speaker, or the individual to fill that office, would be acquainted with the whole of the circumstances of the case. That might be; but he, not being a peer, could only give his opinion, at the desire of the peers present; and then, what would it amount to?—that the decision would not be that of their lordships, but of the individual who had heard the case. This mode of proceeding would, he contended, be most unsatisfactory to the public, and highly derogatory from their lordships' character, as constituting the highest court of appeal. It was said, that the attendance of their lordships to these hearings should be compulsory. He could understand the justice of that principle, if the same lords were obliged to hear the whole of one case; but he could not understand it when three lords were to hear one part, and three other lords were to decide upon that which they had not heard. According to this new plan, three of their lordships were to be brought compulsorily from distant parts of the kingdom, from their local duties, to act a part in the most ridiculous farce that ever was thought of. If he had not heard the very solemn manner in which this proposition was introduced by the noble earl at the head of his majesty's government, he should have believed that it was intended to satirize and ridicule their lordships' privileges. As far as the appellants before their lordships were considered, it would, he thought, be doing them more injustice to oblige them to resort to this new tribunal, than if they had left them for their remedy to any other tribunal in the country. For his own part, nothing but compulsion should induce him to be present at any such proceeding.

The Earl of *Rosslyn* said, that as a member of the committee, whose report was before their lordships, and at whose recommendation this plan had been submitted, he could not sit silent after what had fallen from his noble friend. He maintained, that the proposition now before their lordships was in perfect accordance with their practice heretofore. Supposing the lord chancellor to be absent, was it not the practice to have a deputy Speaker, who generally was not a peer of parliament? Or, suppose the king were to exercise his prerogative, and place a commoner on the woolsack, as lord keeper, would it be said that their lordships privileges were thereby annihilated? Their lordships had seen the law administered, and well administered, by commoners who sat *pro tempore*, on the woolsack, and who had been called upon by their lordships to give their opinion. There were also cases in which the opinions of learned lords had been set aside by the opinions of peers, whose attention had not been so much given to the study of the law. He would contend that the House would not, by the proposed plan, be in a different situation from that in which they were already placed, with respect to the presidency of a lord keeper, or a deputy Speaker, except that noble lords would have to attend by compulsion, and in rotation; and that, he thought, would be better than leaving it open to noble lords to attend at the solicitation of parties concerned. He contended, that the plan was in perfect accordance with the recognized practice of their lordships; and that, if they declared themselves incompetent to this appellate jurisdiction, there were none of their duties to which they might not make the same objection.

The bill was read a first time.

HOUSE OF COMMONS.

Thursday, June 26.

PETITION OF GEORGE ROWAN—COMPLAINT AGAINST A MEMBER.] Mr. *Brougham* presented a petition, which had been sent to him from Ireland by an individual of the name of George Rowan, of whom he had no knowledge, nor of the facts which he stated in his petition. He had a painful duty to perform in presenting this petition, inasmuch as it reflected upon the conduct and character of a member of the House. He should therefore do nothing more than move, that this petition be brought up.

The petition was accordingly brought up, and read:—It stated, that the petitioner had been dismissed from a situation which he held in the Excise by means of a conspiracy which had been formed against him by W. M. Twiss and others; that W. M. Twiss had been appointed to the situation which the petitioner had filled, by the interest of colonel Crosbie, his father-in-law; that in consequence of some defalcation in his accounts, W. M. Twiss had been dismissed from it, and that he had recently been re-appointed to it, though he was confined at the time for debt in the Marshalsea prison at Dublin, and was seeking the benefit of the Insolvent Debtors' act. It accused colonel Crosbie of having taken a bribe of 1,000*l.* to secure this appointment to Mr. Twiss, and also charged him with receiving, on several distinct occasions, money for the patronage at his disposal.

On the motion, that the petition be laid on the table,

Colonel *Crosbie* addressed the House in a low tone of voice. He said, it was true that Mr. Twiss, who was his son-in-law, had obtained, through his interest, the appointment of collector of the Excise, but that it was false that he had received for it any sum of money whatever. He likewise denied, in the most positive and unqualified manner, that he had ever received a farthing for the situation to which he had got his nephew appointed. He could only say, that the charges which the petitioner had brought against him were false and unfounded, and that he would adopt every means in his power to compel him to make redress for bringing them so publicly forward.

Mr. *Croker* said, that, to a certain degree, he could corroborate the statement of the hon. gentleman who had just sat down. Mr. Twiss, with whom he had become acquainted whilst going the circuit in Ireland, had recently called upon him, and had applied for his good offices in recovering the situation from which he had been removed. He had told Mr. Twiss, that he would make the requisite inquiries in Ireland, and, if the answer was satisfactory, would employ what interest he had in his behalf. He had made those inquiries. The result of them had been satisfactory; and the consequence was, that Mr. Twiss was re-appointed to his situation. Mr. Twiss brought him no recommendation from colonel Crosbie, nor, indeed, from any other person. He thought it right to add, that he had never had the slightest communication with colonel Crosbie on this subject.

Mr. *Wynn* asked, whether it was right that a petition should be laid on the table, which charged a member of the House with an offence for which he was indictable in a court of law. If such a petition were suffered to lie on the table, the House must, for its own credit, as well as for that of the hon. member accused, enter into an investigation of the charges it contained. As the ordinary tribunals of the country were competent to entertain the accusations of the petitioner, he thought that there was no occasion for the House to take them up. He therefore suggested to his hon. and learned friend to withdraw the petition.

Mr. *Brougham* said, that after the distinct, unequivocal, and unreserved manner, in which the charge had been denied by the hon. member opposite, he was bound by every principle of justice and humanity to believe that the allegations in the petition could not be sustained, and he could have no hesitation in withdrawing the petition, as it would be open to the petitioner, if he still persisted in the charge, to renew his petition in the next session. In the mean time, an opportunity would be afforded the petitioner of considering the serious responsibility he incurred, if he brought a false charge against a member of that House, and the punishment which would, in that case, await him for a breach of the privileges of parliament.

The petition was then withdrawn.

Administration of the Law in Ireland.] Mr. *Brougham*, having moved, that the petition which he yesterday presented from the Roman Catholics of Ireland, complaining of the Inequality in the Administration of the Law, be entered as read, said, that he had never risen to address the House under feelings of greater anxiety. When he recollected the vast talent, on both sides of the House, which had been employed at various periods on topics connected with the subject of the petition, and the multitude of persons in Ireland earnestly looking at the result of this discussion—when he considered even the strength of the case committed to his charge; and, more than all, the present state of the sister kingdom, it might well be supposed that he felt somewhat overawed at the task he had undertaken. The petitioners themselves had rendered the duty incalculably more difficult; for, whereas, when the Catholic question was discussed, the affairs of Ireland, and the intolerant and injudicious scheme of policy long pursued there, had been constant matters of debate, and had been handled, by the ablest men, in every different form in which they could be shaped by talent and ingenuity; and whereas the great *desideratum* now was, to supply an answer to this question, "What is the practical effect of that system?"—to solve this difficulty, "How do the penal laws operate in Ireland, not merely upon individuals of rank excluded from the higher offices of the state, but upon all classes, from the loftiest to the lowest;" and whereas the petitioners, in the very title of their representation of grievance, complained of "inequality in the administration of the law,"—yet they, who of all others were able to give the best information, to afford the clearest solution, to stop the mouths of those who maintained that there was no practical evil, by showing that justice was not equally administered by giving facts in detail—the petitioners, intimately acquainted with the merits of their own case, deeply feeling the grievances under which they laboured, and having daily and hourly experience of the consequences of the present system, had nevertheless omitted all statement of particulars, and had confined themselves merely to general declarations. He made this a ground of complaint, certainly not from himself towards the petitioners, but from himself on their behalf, because they thus sent him into court, as it were, briefless, requiring him to answer all objections, without being furnished by them with the means of doing so. He was thus reduced to one of two alternatives—either he must undertake the hopeless task of again going over the ground repeatedly trodden by the greatest men; or he must attempt, what was perhaps yet more hopeless, to supply the defect in the case that had been intrusted to his hands.

He took the cause for this oversight to be this—the petitioners did not give the House credit for knowing so little of the present state of Ireland; they assumed that the House knew what it did not know—that it was aware of facts that might be proved at the bar, to show that justice was not equally administered to all classes in Ireland. When parties entered a court of justice in this country (for in this country they happily were courts of justice), rich and poor were treated with the same impartiality. The law, thank God, was administered equally to both. But the petitioners, feeling, and well knowing the existence of the melancholy facts on which they relied, no more thought of introducing them into their statement, than any petitioner in this kingdom would take upon himself to explain and expound the excellence of our own judicial system. A petitioner in this country would never dream of telling the House, that juries were not packed; that judges were decorous, and never sacrificed the rights of parties to a ribald joke; that chancellors held even the balance of justice between Protestants and Catholics, episcopalians and dissenters; that here the keeper of the great seal would never think of striking a gentleman out of the commission of the peace, because he was a sectary, as had been done in Ireland—the keeper of the great seal there, admitting that in so doing he had been guilty of an act of gross injustice, yet eight years afterwards repeating it. In England, in administering the law to a creditor against his debtor, we should never think of inquiring, whether he was or was not able to bribe an under-sheriff. In England, the king's writ ran into all parts of the country. Here there was no detached corner, no land of Goshen, where some little tyrant dared to raise his flag in defiance to the orders of his liege lord. Our courts were open to the poorest suppliant; and however humble or unprotected, he had an equal chance with his titled adversary; nay, though he even were addicted to sectarian opinions, instead of paying his devotions in a cathedral. The petitioners were in themselves a most important class, and they represented many thousands; for the petition would have been signed by tens of thousands, had a few more days been allowed. The signatures already obtained were from persons of commanding influence, who spoke the sense of six millions of his majesty's subjects, who were strongly persuaded, that the law in Ireland was not as it was in England—that he would be guilty, not of extravagant flattery merely, but of intolerable mockery, of gross and ridiculous irony, who should attempt to compare the two. They felt that the law was not equally administered to all classes in point of rank; and that it was still more unequal, and still less fair and impartial, in the manner in which it was dealt out among the adherents of conflicting religious sects. From the fulness of the evidence they possessed, because it was the evidence of their own senses, they had omitted the insertion of all details, giving the House credit for knowing that of which it was ignorant. The consequence was, that the petitioners, and he was sorry to say, the whole people of Ireland, had suppressed the most important facts. In the intensity of their sufferings, they had lost, as it were, the articulate language of remonstrance, and had had recourse rather to exclamations of despair, and those exclamations had been followed, in some instances, by acts of open aggression: for exclamations of despair were the forerunners of such acts, and often at too short a distance [Hear, hear]. Forerunners, he perhaps ought not to say; for while he was speaking, these outrages were going on, and it was impossible for any man to be so little acquainted with these transactions, as not to be aware that he (Mr. B.) was guilty of any thing but exaggeration, when he took upon himself to assert that, for the last thirty years, Ireland had never been in a more alarming state. Of what, in the first instance, did the Roman Catholic petitioners complain? They said, that the laws were in themselves unequal, and that that inequality was aggravated by the incidental circumstance, not perhaps necessarily, but naturally, connected with the inequality of the laws, of a still more grossly partial administration. In his view, a mere representation of this kind, by a large body of the king's subjects, was a sufficient *prima facie* case. If they demanded inquiry, and called for redress, that alone ought to be enough to induce parliament to lend the petitioners a favourable ear. But the House was not left to this, even in the absence of any detail on the part of the petitioners. It was only needful to consider the state of that law which, though not necessarily, naturally led to an unequal administration, in order to persuade any one that as long as men maintained their natures, the law which created an inequality in religious sects could not be equally administered. The law at present separated the king's subjects into two classes; it severed those who ought to be as brothers under the same paternal government. The law of England viewed the subjects of the realm as brothers, and the king as their common parent; but the law of Ireland held a language widely different. It marshalled man against man, sect against sect. It employed religious tenets on the one hand to foment (if it were not to profane the word) religious animosities on the other. The law of England esteemed all men equal. It was sufficient to be born within the king's allegiance, to be entitled to all the rights the loftiest subject of the land enjoyed. None were disqualified by it; and the only distinction was between natural born subjects and aliens. Such, indeed, was the liberality of our system in times which we called barbarous, but from which, in these enlightened days, it might be well to take a hint, that if a man were even an alien born, he was not deprived of the protection of the law. In Ireland, however, the law held a directly opposite doctrine. The sect to which a man belonged—the cast of his religious opinions—the form in which he worshipped his Creator—were the grounds on which the law separated him from his fellows, and banned him to the endurance of a system of the most cruel injustice. Not only this, but on the very same grounds, and with, if possible, less right —with, if possible, more impolicy—and with, if possible, greater cruelty, it leagued him against all who held opposite notions, as essentially and as implacably, as his enemies were combined against him. He would admit, that great and salutary alterations had taken place. Since the year 1778, but more especially since 1793, important improvements in the code had been effected. The odious distinctions had been, in a great degree, mitigated. What remained was nothing in comparison with what had been taken away. Enough, indeed, was left to make an absurd and ridiculous difference—absurd and ridiculous when viewed by the eye of the philosopher, but melancholy and degrading when contemplated with the eye of the politician. Enough was left for offence and insult, while nothing was accomplished for happiness and security. The right hon. the secretary for foreign affairs, who had so ably, on a former occasion, and before he accepted office, advocated the cause of the Roman Catholics, had well referred to the mark which the fetters, though removed, had left behind them, and to the system of extirpation which a ferocious tyrant of a former age was about to carry into effect. That system would have had, at least, more consistency in it than the one which this country had pursued towards Ireland. Chains had no sense and consistency, and true it was, that the chains had been removed; but the degradation and the insult remained, as long as a link was left, to remind the sufferer of his miserable bondage. But, if the advice of the right hon. gentleman had been followed, and if the last link had been knocked off, still he (Mr. B.) should say, that as long as the gall of the fetter, the mark it inflicted, continued visible, justice could not be impartially administered; because one class was thereby improperly stigmatized; the eyes of judges, witnesses, and jurors would still detect the mark, and as long as human infirmity existed, impartial justice could not be done. Why, then, had the wound, aggravated by the impatience of the prisoner, been allowed to rankle, when it was in the power of the legislature in one moment to heal it for ever? It was powerless as a security, and infinitely prejudicial as a distinction; and as long as that hideous, that odious distinction was preserved, so long would Ireland continue the scene of discontent and aggression [Hear]. One principle at this moment influenced judges, jurors, magistrates, and almost every witness—the English, the humane, the equitable principle, not invented in a dark age, nor imported from a barbarous country—not even adopted in this our day of imitative admiration, from the holy alliance, and supported by their legions of cossacks, but invented in England, and adopted by a body calling itself the English parliament. It originated in the enlightened policy of this enlightened country in this enlightened age. It remained for the nineteenth century to see the doctrine fully established—that the law in Ireland is a respecter of persons—that it prefers one sect to another—that it will not allow men to worship God according to their consciences, or if they do they must do it at the signal peril of forfeiting all claim to the protection of the law.

The first ground he submitted was, that the petition came from those who both actually and virtually represent the whole body of the Roman Catholics. His second ground was, that they had just reason to complain, and that as long as the odious distinction he had noticed remained, justice could not, in the nature of man, be equally distributed. But he thought that he should leave the case incomplete if he did not go somewhat into details, though he would not trouble the House with more than was absolutely necessary, intending rather to give specimens than to enter into any elaborate and systematic examination of the subject, to which he professed himself incompetent. It was fit, however, to mention a few facts which he should be prepared to prove at the bar, should the House adopt the proposition with which he intended to conclude. In all he should now offer, the House was to consider that he was, in truth, tendering evidence; and he should scrupulously abstain from every thing which could not, as he was satisfied, be substantiated by legal testimony, either of witnesses or of records. When the subject was so extensive, it was of little importance where he began; but he would commence with one of the most material parts of it—the state of the magistracy in Ireland, by whose local jurisdictions justice ought, in fact, to be brought home as it were, to every man's door. It was in vain to deny that in England abuses had, from time to time, crept into this branch of the administration of justice; but various salutary acts had been passed on the one hand to protect magistrates acting bona fide, and on the other, to guard the king's subjects from malversation, and misuse of power, sometimes purely discretionary. It was by no means a matter of frequent complaint in this country, that improper individuals were included in the magistracy. In England, a rule had been laid down by the keeper of the great seal (indeed he had seen it stated under the hand of the present lord Chancellor), that they never would strike a person out of the commission, whatever private charges might be brought against him, unless he had been brought to trial, and convicted by the verdict of a jury. He had known an instance of a magistrate several times accused of perjury, with complaints against him by a vast majority of his fellows in the commission, whom the lord Chancellor peremptorily refused to oust, because he had been tried and acquitted. He recollected another case in Durham, about ten years ago, where the bishop, as custos rotulorum, had been obliged to reinstate a certain magistrate because, though accused, he had not been brought to trial. He did not mean that this rule was applicable to Ireland. A much greater latitude of discretion was required there. Not only the present, but former chancellors, lord Redesdale and the late Mr. Ponsonby, had agreed upon this point. Upon that, indeed, he (Mr. B.) founded his first observation; because, if a principle were established in England, the propriety of which no man disputed, was it not very extraordinary that by as common consent it was allowed that it was impossible to extend it to Ireland? This fact was worth a thousand matters of mere detail. As to particular facts, a man might be misled or mistaken; but here was something that could not deceive—a principle acted upon invariably on one side of the water was met by a diametrically opposite principle on the other; and the difference could only arise from the fact, that the stuff of which justice was composed in England was of much happier material than in Ireland. But he was not without particular facts and authorities; and he would just call the attention of the House to a few instances out of a great variety. The late lord Gosford, governor of the county of Armagh, on a memorable occasion had said, that "justice had been suffered to disappear, and the supineness of the magistracy to become the common topic of conversation in every corner of the kingdom." Before he proceeded further he would just mention that the word "Supineness" would often occur in what he should read, and that it was to be understood as a delicate mode of expressing a disinclination to suppress violence in ninety-nine cases out of a hundred—the Orange violence against the Catholics. [Hear, hear!] The late Mr. Grattan was certainly a party man. In the highest, truest, and most honourable sense he performed what he justly considered the important duties of party; but of all members on the opposition side of the House, his authority was the most unexceptionable; because he had undeviatingly observed the strictest accuracy in his details, and was little liable to the imputation of being carried away by enthusiasm. He was a man of singular candour and of great moderation; and from his entrance into public life to the close of his illustrious career, had given signal proofs of his moderation, of his extreme forbearance, nay, of his gentleness. He had observed on one occasion, that the government "trifled with the northern weaver, when it sent him to a grand jury;" and he had added, that "the supineness and partiality of the magistracy had been the occasion of his sufferings and his losses." Mr. Ponsonby, who had filled the office of lord Chancellor in Ireland, and was therefore so competent to judge on the question, looking back to the time when he had held the great seal, had said with becoming reserve, that "The magistrates too often had been anything but what they ought to have been." Mr. Justice Day, in an address to the grand jury, had charged them with "negligence, corruption, and partiality," and the late lord Kingston complained of some men as "a disgrace to the magistracy, deserving rather to be hanged than to be included in the commission." The charge of Judge Fletcher, in the year 1814, was well known. It was an able and elaborate production, and next to delivering no political charge at all, the greatest merit was, to deliver one so sound in its doctrines that they were liable to no exception. Talking of the Orange societies, he said, that "they poisoned the very fountains of justice," and that "even some magistrates, under their influence, had, in too many instances, violated their duty and their oaths." Thence he proceeded to say, that such associations were most pernicious, whether consisting of Orange or Riband men, and adding, that under their influence petty juries had declined to do their duty: it was sufficient to say such a man displayed such a colour, to produce an utter disbelief of his testimony; and when another has stood with his hand at the bar, the display of his party badge has mitigated the murder into manslaughter. These sentiments, coming from a man discharging judicial duties, were of the highest importance. Thence he proceeded to condemn all those associations bound together by unlawful oaths, remarking, "with these Orange associations I connect all commemorations and processions producing embittering recollections and inflicting wounds upon the feelings of others. I do emphatically state it as my settled opinion, that until those associations are put down, and the arms taken from their hands, in vain will the north of Ireland express tranquillity or peace." The learned judge went on to censure the unlawful oaths (such as had been treated with so much respect in this House on a recent occasion) taken by the members of the associations; and of the magistrates, he said, that "some were over zealous, and some, on the contrary, were supine," and he complained that "jobbers of absentees" and "traders in false loyalty," among others, were too often put into the commission. Eight years afterwards, the same learned judge did not appear to have found any material amendment in the magistracy; and in one of his last charges he had asserted, that the conduct of the magistracy "might ultimately drive thousands to rebellion." A great deal had been said of late respecting a reform in the commission of the peace of Ireland, and twelve counties had undergone the operation. If the scheme had been executed with the same honest and zealous intention for improvement with which it was undertaken, much good might have been the result; but if he (Mr. B.) had been rightly informed, little or no advantage had been the consequence, the measure having been treated as one rather of form than of substance. He had been told (and to this point he could produce evidence at the bar) that in six counties 152 magistrates had been displaced. The number looked as if a great sweeping and radical change had been effected; but, in truth, the vast majority of the 152 consisted of absentees, English and Irish militia, officers, and others incapacitated from age, sickness, and not a few by death. How many did the House think, out of the whole 152, had been really removed for reasons such as those to which the charge was originally intended to apply? Only fourteen. Twenty-five had been removed in one county, and in another fifteen; all of whom were incapacitated for the various causes he had named. [Mr. Goulburn asked, across the table, to what county the learned gentleman referred?] The county of Monaghan; and since the question had been put, he would just add, that among those removed for being sick, or dead, or absent, or an English militia officer, or an Irish militia officer, was not sir Harcourt Lees. He was continued in the commission [Hear hear!]. In the county and city of Dublin, major Sirr had not been removed; and he (Mr. B.) thought there was just ground to complain, that he was still in the commission. It was an insult to the people of Ireland, over whom he exercised all the nameless tyrannies of the last rebellion. Even on the rule of the lord Chancellor of England, his name ought to be instantly struck out. Nevertheless, he was allowed to be at the head of the police of Dublin; and he had told the House at the bar, that he there daily and nightly acted as one of the magistrates. Yet, in the city of Dublin itself, a jury of his country had given a verdict against him, for one of the grossest and foulest oppressions—so gross and foul, that the oldest practitioner of our courts could find no parallel. The charge included in it the most base and perfidious fraud; for to eke out the measure of his injustice, and to overwhelm his victim, it was proved at the trial, that an order had been fabricated, the fabrication of which was vouched by his friend, his accomplice, his tool; the very man, in short, who had perpetrated the instrument. It was to that man that the victim had been delivered—to major Sandys; and when Mr. Curran exclaimed, "There sits major Sandys; if my witnesses deceive you, let mator Sirr put his friend, and associate in cruelty, in the box to deny it, if he can," major Sirr dared not do it; and all who had ears to hear, or eyes to see, were convinced, with the jury, that major Sirr stood self-convicted. Still he had been kept in his office—still he was employed; and two and twenty years afterwards, when he had grown grey in the service, he had been heard to declare at the bar of the House, "I am still on the bench of justice!" Look at the effect of these arrangements in the commitments in Ireland—commitments made and signed by such magistrates as he had described! Melancholy to relate, there were more commitments in Ireland, taking the average of the last four years, than in England and Wales together. But how did the average stand, as to the number of convictions? Why, in those countries where law and justice were equally administered, in England and Wales, there had been 43,000 commitments and 29,000 convictions; but in Ireland, with a list of commitments exceeding 45,000, the number of convictions had not exceeded 16,000. To the recorded opinions of men of talent and experience, to facts in proof before the House, an argument still more powerful, to these evidences in favour of the proposition which he was supporting, he would add the memorable declaration of lord Redesdale in the House of Peers—a declaration which admitted the utmost point he could contend for. What had lord Redesdale, once the high Chancellor of Ireland, said of the state of the administration of justice in that country? Lord Redesdale was not a man incautiously liberal of opinion. He was not likely to be the friend of hasty innovation. He could not be suspected for the patron of unfounded complaints. He was rather one of those who would shut his eyes to any little irregularities in a system of which, in the main, he approved—who probably would only speak out when he found abuses growing so enormous, that no man could continue to hold his peace under them; and so impudent, at the same time, that but from open denunciation, no redress could be expected or even be hoped from them. And what, in spite of habit, or possible lurking prejudice, what was the opinion of lord Redesdale delivered only in July last, as to the state of the law in Ireland? His lordship had said this—"I have been intimately connected with that ill-fated country for the last twenty years; and I am sorry to say, that there exists in it two sorts of justice—the one for the rich, the other for the poor—both equally ill-administered." And this was the effect of twenty years' experience upon the mind of the highest law officer (an Englishman too) in Ireland. That fact, standing by itself, was really worthy of deep consideration. He felt himself bound by it, indeed, in some measure, to proceed in his exposure. So, lest it should be supposed that lord Redesdale had suffered from his long intimacy with Ireland, that from living in that country, he had become infected with the spirit of complaint which pervaded it, that communication had, as it were, tainted him with that disposition to remonstrate which, somehow or other, seemed to have become epidemic among the whole people of Ireland; he would adduce a few examples in support of that noble lord's declaration; and he would show, and beyond the possibility of quibble, that the fact was distinctly as lord Redesdale had stated it.

In a country which enjoyed the blessings of trial by jury, the manner in which juries were selected was a point of no slight importance. Now, excepting in the counties where the sheriffs were elected by the judges, in all corporations, (these corporations being formed of men full of prejudice against the Catholics, open to Papists certainly by law, but shut against them with all the obstinacy of bigotry by practice), in all corporation towns, the sheriff who chose the juries was himself the selected creature of that select and prejudiced body. He was not about to enter into the late affair of the

Sheriff of Dublin, but he would remind the House of an incident not relating to the present sheriff. A gentleman of the name of Dillon M'Namara, an attorney of many years' standing, had been summoned upon the late inquiry; and, by way of discrediting his evidence, the following questions had been put to him,—"Did you not some years ago offer a bribe to a sub-sheriff of Dublin if he would pack a jury to get off a client of yours, who was going to be tried for forgery?"—Answer, "Yes, I did." "Did he pack the jury?"—Answer. "No, he could not, because the panel was up at the Castle." Did not the sub-sheriff, it would be asked, perhaps, indignantly reject the bribe? Did he not treat the offer as every sub-sheriff in every county in England would treat it, and get no thanks nor credit for so treating it neither? Mr. M'Namara's answer as to that point made no mention of indignation; he simply stated the conduct of the sheriff. The sub-sheriff said, that if he wished to do the thing, "it was not in his power, because the panel was gone up to the Castle." But the thing, good as it was, became better still, as the questions went on. Question. "Did not the sub-sheriff reject the bribe? Answer. "He did not get the bribe." Mr. M'Namara would not say he rejected it. Question, "Why did he not get the bribe?"—Answer, "Because he did not do what I wanted him to do." This was not, he (Mr. B.) submitted, exactly the kind of dialogue which would have taken place between an attorney and a sub-sheriff in England, upon the subject of packing a jury. He would not say, that the man who would pack one jury to acquit a prisoner of felony, would as readily pack another to convict a prisoner of high treason, or of libel; but it would not be too much to suggest, that there was a point in money matters, to which, if the briber could manage to go, he might possibly find access to the ear of the sub-sheriff, even although he should wish to secure a conviction for an offence of that character. Again, he would say nothing against the sub-sheriff in question. That individual had not, it appeared, received the bribe. But, there was the fact before the House, that such a bargain had been openly talked of. There stood a respectable solicitor at the bar of the House, from whose answers he was entitled to conclude, and in his conscience he did believe the fact to be so, that, in the eyes of the persons who filled those relative situations in Ireland, the idea of an attorney's offering to bribe a sub-sheriff, or of a sub-sheriff being bribed to pack a convenient jury, did not excite that horror and surprise which the bare mention of such a project could not fail to produce in England. But he would go further upon the point, for it would allow him to go further. Suppose it possible for such a proposition to be listened to in this country. Suppose the possibility of such an offer being made, and even accepted. Suppose there were attornies in England who would put such arts in practice if they dared, either with a view to their own advantage, or to the safety of their clients; still, this possibility admitted, left another impossibility behind, no English attorney would ever talk of such a matter as it had been talked of by the gentlemen lately examined at their bar; such a man, although himself destitute of honest or honourable feelings, would be aware of the existence of those feelings in the hearts of those among whom he moved, and would have prudence enough to perceive, that if his interests had been aided by the transaction, his character was not at all likely to be assisted by its publicity.

But this example, though it showed much, showed nothing like the whole. What would the House say to another practice, which he could prove by competent witnesses to exist in Dublin universally, of the sub-sheriff, whose duty it was to summon the juries, being in the habit of receiving from persons liable to serve, a fee of a guinea a-year, to refrain from calling on them to perform that duty? So that those men to whom it was convenient to pay a guinea a-year, did not serve on juries at all; while those who could not afford to pay the guinea, were compelled to do double duty, and those who wished to serve, might, by not paying the guinea, serve more frequently than came to their turn. And this precious practice was not peculiar to Dublin; the provinces had the benefit of it as well as the capital. But the fee in country places certainly was less—it being half a guinea a year, not a guinea. So that the superior classes, who were best calculated to act as jurymen, gave up, unless where they chose to act, the duty altogether; and it fell into the hands of persons who, whatever their claims, were probably less competent and enlightened, and, from their situations, more open to be influenced. To say the least of this practice, it was improper, indecent, and such a practice as in England could not be tolerated for an hour.—But this point became insignificant, when compared with that which he should next bring forward. He had already said, that the king's writ did not run equally through Ireland. Of this fact—that it did not reach equally to all classes of persons, he was ready to give evidence at the bar. He could show, that where a man had money for the purpose, he regularly bribed the sub-sheriff, as soon as that officer came into place, and agreed to pay him all fees upon writs out against him for debt, as though such writs were formally served, provided the sheriff would give him timely notice of the issuing of such writs; no doubt, that he might be enabled at once to appear and do justice to his creditor! To the poor man, of course, this indulgence did not extend: he was taken with all the rigour of the law, and full justice was executed upon him. He (Mr. B.) said, that he could prove this at the bar; but, in fact, it had been proved within the last three days, before a committee above stairs. He would read a note to the House of the evidence upon the subject; and he could venture to say, that but for the painful truths which it established, the document would be amusing. It was an attorney of respectability who now spoke, giving his evidence on the 23d of the present month. Question. "Do you regard the difficulty of obtaining money in Ireland after judgment, as one of the obstacles to English capital being carried to that country?" Answer, "Certainly I do; and it is one of the greatest evils we have to contend with." Question. "How does it arise?" Answer. "In the management of the office of Sheriff—there is no such thing as executing a writ as you do it in England. I mean to confine this to executing it upon persons having the rank and means of gentlemen, and the city of Dublin and the county of Cork are exceptions to the rule. In other places it is the habit, upon the appointment of a sub-sheriff, that he gets notice that he will be paid his fees upon writs delivered, if he gives notice to the party that the writ is about to issue." Question. "Does this practice prevail generally?" Answer. "I understand it to prevail every where except in Cork county and Dublin city; but I dare say there are places even in Cork where an arrangement might be made with the sheriff." Question. "Is the committee to understand, that a different practice prevails with respect to poor debtors?" Answer. "I suppose that the sheriff, not being paid for any favour to them, does not show any." [Hear, and a laugh.] Why yes, this was sport to the House; but it was ruin to the poor creditors of Ireland. Let hon. members just look what this "favour" went to produce. A man might have 20,000*l.* in the English funds, or in any investment which the law did not reach; he might be living in Ireland in the midst of luxury and magnificence; a hundred writs might be out against his person: but, so long as he could bribe the sheriff to give him notice in time, he might defy his creditor, and suffer him to starve. And the evidence which he was quoting did not stop at this point. It asserted, perhaps, no more in fact than had already been stated; but it gave certain assertions in rather stronger terms. For instance—Question. "Do you mean to say, then, that there is one practice for the higher orders in Ireland, and another for the lower?" Answer. "Yes." This was pretty plain. Question. "Stricter in the one case than in the other?" Answer. "Certainly." Was not this what lord Redesdale had had in his eye when he had said, "There is one law for the rich, and another for the poor—both equally ill-executed?" The evidence given by this man of practical knowledge and habits bore out, to the very letter, that which lord Redesdale had asserted.

It was to be hoped that the same abuses which were here detected at every step did not reach to the higher branches of the administration of justice; but it was fit to remember, that so long as the present disabilities existed, so long the judge who tried the question between the Catholic and Protestant must himself be a member of the Protestant establishment; so long, in despite of individual talent or popularity, all rank at the bar and all advantages attendant upon rank—such as weight with the court and general influence in society—all this must belong to a favoured class, and to a class which was looking up for favours in future. It was from this favoured class still that the sheriff was chosen. It was the sheriff who had the summoning, by his office, of the juries. And when it stood proved, that a sub-sheriff might be hired to pack a jury, and that it was every day's practice for a sub-sheriff to be bribed for permitting the debtor to escape from his creditor, was it unfair to insinuate, that possibly a Protestant sub-sheriff might be found, as accessible to political prejudices, or feelings of religious conformity, as to the meaner motive of a paltry present advantage arising from a bribe in the shape of ready money? With respect to the bench of Ireland, he had little to say. Different countries had different usages; and circumstances might happen, as matters of course, in one, which might be held highly indecent and reprehensible in another. He should, however, freely avail himself of his privilege as a member of parliament, to express his disapprobation of any judge's conduct, when he considered that conduct to be unbecoming his situation. If a judge was bound at all times to maintain the dignity of his high office—if impartiality was the essence of the performance of judicial duty, and without which no judge could be worthy of the name;—surely, any mixture in party dissentions, any partisanship in religious or in political disputes, anything like entering into the detail of class differences and arrangements, anything approaching, however distantly, to becoming the tool of a particular faction, would be that sort of stain from which, above all others, the ermine ought most immediately to be cleared. For, first, such interference touched a judge's dignity; secondly, it rendered his impartiality suspicious; and thirdly, it went to shake that respect which was due to every just and dignified magistrate—that respect, which if any magistrate forfeited by his misconduct, the sooner he vacated his office the better; the sooner that balance was seized from him which he could no longer be expected to hold fairly—the sooner he dropped that sword which none would give him credit for wielding usefully, when once he had rendered it impossible for the public to view him with respect, he could not too soon lay down an authority the mere insignia of which was entitled to veneration. He considered lord Norbury, whom he named in right of his privilege as a member of parliament—that privilege which entitled him to speak his opinion upon judges as freely and unreservedly, as upon sheriffs or sub-sheriffs, upon attorneys, or upon the meanest of his majesty's subjects;—no just judge ought, in right, to object to such a proceeding—no judge would be found just long after the privilege so to proceed was abolished. Our judges in England were just, because they dared not perpetrate injustice; and as long as judges were men, they would dare to perpetrate injustice the moment the power of taxing them with it was lost. More than a year had elapsed since he had laid before the House a letter addressed by Mr. Saurin, the late attorney-general for Ireland, to lord Norbury, the chief justice of the court of Common Pleas in that country—a letter containing such a proposition as no judge who sat in England would allow his most intimate, his dearest bosom friend, to make to him. He would venture to affirm, that if a letter like that of which he was speaking, had reached any one of the learned judges of England, if it had come from any individual of high situation, the more sudden, the more instant, would have been the flash of that honourable person's indignation; if it had come from a near friend, the task to perform would have been harder, but the name of friend would have ceased to belong to the writer from that moment. But here, a year had elapsed since the letter in question had been brought forward, and yet Mr. Saurin had not denied it, nor had lord Norbury produced his answer. What would have been the answer of an English judge to such a letter? "I return you your proposition; you know not the man whom you have dared to insult." But lord Norbury had given no answer, or he had produced none. He (Mr. B.) trusted that the answer had not been an answer of assent; but certainly it had not been such an answer as would have been given to such a proposal in England, or England and Ireland too would long since have been made acquainted with it. Good God! Let the House consider what that letter called upon lord Norbury to do. To job—to intrigue—for political purposes, upon his circuit! Carrying the ermine upon his robe, and the sword of justice in his hand, he was called upon, by the first law-officer of the Crown, to prostitute the authority those emblems gave him to the purposes of a political faction [Much cheering]. He was told —"it is the custom"—a custom more honoured in the breach than in the observance—"it is the custom for you on the circuit to receive the country gentlemen in your private room, and to talk to them familiarly upon political subjects" and this was to furnish his lordship with an opportunity of doing good to "the cause." It appeared that he was in the habit of talking thus to the gentlemen of Philipstown: and, if he could impress upon them the consequences of granting the Catholic Emancipation, they would certainly elect Catholic members of parliament—a consequence, by the way, most absurdly predicted; for there was scarcely a man in England could believe that, if Catholic Emancipation were granted on the instant, all the Irish members returned would be Catholics; but, if he could impress upon the country gentlemen, that all the members returned would be Catholics, "and that those members would have the nomination of the sheriffs, and in many instances perhaps of the judges," he (Mr. B.) did not see how he would satisfy them that, "they could scarce live in the country if the measure were passed." So, here was a judge desired to take the opportunity of his circuit to deliver this lecture at place after place as he went on; and to throw in suggestions, moreover, of such corruption in the general legislation, as would enable the Catholic members returned by the Catholic voters to go up to the Treasury, and say, "make such and such men judges." The people of Ireland were to be told, and told by a judge, that judges might be appointed by political intrigue. Here was lord Norbury instructed openly to decry the purity of that justice, of which he himself ought to have been the ornament. He was to say; first, that the judges were secretly appointed; and next, that they acted corruptly after they were appointed. The information contained in the remaining portion of the letter ran thus:—"If Protestant gentlemen, who have votes and influence and interest, would give these venal members to understand that, by betraying their country and its constitution, they will infallibly lose theirs, it would alter their conduct, though it could neither make them honest nor respectable." Honest nor respectable! "If," concluded the attorney-general for Ireland, "you will judiciously administer a little of this medicine to the King's county, or any other member of parliament that may fall in your way, you will deserve well." [Hear, hear]. As some vindication, however, of Mr. Saurin, for having presumed to write such a letter as this, he (Mr. B.) had now to read a story to the House, which he had found in a Dublin newspaper under the head of "lord Norbury's newest joke;" and, from this story, it would appear that his lordship—sitting on the bench—had reflected upon a right hon. gentleman, a member of the House, and, also, that, for the sake of getting at his joke—so much dearer was jest than justice to the noble lord—he had actually refused a rule which ought to have been granted as a matter of course, and which no man could have asked for in England without getting. The circumstance out of which the joke arose was this:—A barrister moved for a criminal information against a half-pay officer who insulted him in court. The officer was offended at something which the counsel had said of him in court, and he used language which, in England, would have made a criminal information a matter of routine. Lord Norbury, however, had refused the rule, and, had refused it in the following terms:—The motion having been made, and the offensive words stated, he said—"I remember when, if the words had been used to me, I should not have been at a loss in supplying an innuendo. The phrase has certainly a somewhat gladiatorial sound. No man respects or loves the bar more than I do; but great allowance is to be made for the chivalrous propensities of men of the sword. They do not, as Hamlet says in the play, "set their lives at a pin's fee.' What was this, from a judge on the bench, but saying "you are a paltry fellow for coming here to me for protection; you know what the man wants: he wants you to go out and fight with him; and why don't you do it?" "On the other hand," his lordship continued, "the gentlemen of the bar have a repugnance to the arrest of that fell sergeant, Death." Why, was it not clear that the rule was refused just for the opportunity to introduce this wretched ribaldry? "From which profession the immortal bard drew his illustration, I shall leave to the commentators. *Cedant arma togæ* is good Latin and good law; but I am a friend to conciliation, and shall give a triumph to neither party. I mean no allusion. [Loud laughter]." Ay, "Loud laughter" were the very words which followed the conclusion of this jest; and for the sake of the "loud laughter," no doubt it was, that the poor lawyer was refused his rule. He venerated the bench. He had a professional regard for it. He believed that no lawyer had ever shown a greater disinclination than himself to countenance reflections upon the conduct of judges, either in the course of legal practice or in the transactions of parliament. But, he revered the bench only so long as the bench respected itself; and when he met with intrigue where he was entitled to expect purity—low ribaldry and flightiness where there ought to be dignity—and duty sacrificed, in the course of a legal proceeding, for the silly vanity of uttering a trumpery jest—when he found a judge conducting himself in this manner; and when he found manifest proof, moreover, that that judge was not above being tampered with by a Crown lawyer for party—he might say for corrupt—purposes; when he saw this, his veneration for the individual was gone, and even his patience was not proof against the contemplation of such impropriety. He declared that, for himself, he knew of but one opinion upon this subject. He had talked with different members of the legal profession; he had discussed the matter with men of all ages, of all ranks, of all standings; and and he had found in the profession, as well as out of it, but one opinion upon the point—but one sentiment of disgust at the attempted intrigue of Mr. Saurin; an attempt which lord Norbury, if he had not lent assistance to it, had certainly not treated in the way in which an English judge would have found himself compelled to treat it.

Upon a variety of other topics connected with the ill-administration of justice in Ireland, he would detain the House but a very short time. In general, it was sufficient to state the practice as it existed, and each particular case furnished sufficiently its own comment. In this condition stood the three systems of the civil bills, the revenue boards, and the assistant barristers. For the civil-bill system it was scarce necessary to go beyond the records of the House. Act after act had been passed upon the subject, each admitting the faults or abuses let in by that which went before it. For the revenue boards, their whole construction carried abuse and mischief upon the face of it; the same individual adjudging forfeiture one moment, and claiming the benefit of it for his own advantage the next: and control over the liberties and properties of the king's subjects committed to the hands of men without a qualification which should fit them to exercise it. But, though he had not exhausted the subject, yet the subject had exhausted him. He could only go so much further as to beg the House to remember, that matters in Ireland could not rest as they were for ever. One day or other—the time must come—the House would have to give an account of its stewardship of that country. England, possessing Ireland, was in the possession of that which ought to be her security in peace and her sinew in war; and yet, in war, what had Ireland been but a strength to our enemies; what in peace but an eternal source of revolt and rebellion? Ireland, with a territory of immense extent, with a soil of almost unrivalled fertility, with a climate more genial than the climate of England, with an immense population of strong-built hardy labourers—men suited alike to fill up the ranks of our armies in war, or for employment at home in the works of agriculture or manufactures;—Ireland, with all these blessings which Providence had so profusely showered upon her—we had been stewards over her now for the last hundred and twenty years; but our solicitude for her had appeared only in those hours of danger, when we apprehended the possibility of her joining our enemies, or when, having no enemy abroad to contend with, she raised her standard, perhaps in despair, and we trembled for ourselves. [Cheers.] It could not be denied that the sole object of England had been to render Ireland a safe position. We had been stewards over Ireland for this long period of time. He repeated, that we should one day have to give an account of our stewardship—a black account it would be, but it must be forthcoming. What had we done for the country which we were bound to aid and to protect? In our hands, her population seemed a curse to her rather than a blessing. They were a wretched, suffering, degraded race—without motive for exertion—starving in the midst of plenty. But, wretched as they were, they would not be content to remain so. They now demanded justice. They called for the attention of the House; and they were ready to prove the grievance. In fact, they had proved already the scandalous and unequal administration of their laws. In England, justice was delayed; but, thank Heaven, it could never be sold. In Ireland, it was sold to the rich, refused to the poor, and delayed to all parties. It was in vain to disguise the fact: it was in vain to shun the disclosure of the truth. We stood, as regarded Ireland, upon the brink of a precipice. Things could not remain as they were. They must either get better or get worse. He hoped—he trusted—that such an interval might yet be granted, as would allow time for measures—and they must be sweeping ones—of reformation; but, if that interval was neglected, fearful indeed would be the consequences which would ensue. [Cheers.] He might be wrong in this prediction. But, if he was wrong, he did not stand alone. He was backed in what he said by the spirit of the wisest laws—by the opinions of the most famous men of former ages. If he erred, he erred in company with the best judgments of our own time; he erred with the common sense of the whole world, with the very decrees of Providence to support him. We were driving six millions of people to madness, to despair. What results could reasonably be expected from such blind obstinacy and injustice? It would not do for hon. gentlemen to meet this case with their old flimsy defences and evasions. Excuse after excuse we had had, for refusing to do justice to Ireland; but the old excuses would not do—they would even apply no longer. At one period, we could not listen to the Catholics, from an apprehension of Buonaparte; at another period, the question was abandoned for fear of breaking down a strong administration; on a third occasion, the claimants were met with "the scruples of the monarch." Buonaparte had since died upon the rock of St. Helena, under solitary confinement and unnecessary torture. [Hear, hear!] The monarch, too, was gone to his great account. There were no scruples in the present king's breast which weighed against the interests of Ireland. Two objections, therefore, to the claims of the Catholics, were, by the mere lapse of time, completely got rid of; and for the third — the danger of breaking down a strong administration — it would be admitted, on all hands, that we ran very little hazard just now of doing any thing of that kind. [A laugh.] To attempt any course with Ireland short of a complete redress of grievances, would be a mockery of the evils under which she was suffering; but the greatest mockery of all—the most intolerable insult—the course of peculiar exasperation—against which he cautioned the House, was the undertaking to cure the distress under which she laboured, by any thing in the shape of new penal enactments. It was in these enactments alone that we had so far shown our liberality to Ireland. She had received penal laws from the hands of England, almost as plentifully as she had received blessings and advantages from the hands of Providence. What had these laws done? Checked her turbulence, but not stifled it. The grievance remaining perpetual, the complaint could only be postponed. We might load her with chains; but, in doing so, we should not better her condition. By coercion, we might goad her on to fury; but by coercion we should never break her spirit. If the government was desirous to restore tranquillity to Ireland, it must learn to prefer the hearts of the Irish people to the applauses of the Orange lodges. The warm-hearted disposition of that people—their desire for the maintenance of cordiality and good feeling—had been sufficiently evinced during his majesty's recent visit to Ireland. What would not be the reception which they would give to their representatives for benefits actually conferred? But he was afraid to trust himself with the idea of a prospect, which he feared it would never be his good fortune in reality to behold; and believed that he must come back to his sad original demand—those rights of common justice, that equal administration of law, from which Ireland was the only portion of Great Britain that was excluded. To do wrong to their subjects in some instances, at least, was the common frailty of governments. To deny the wrong upon complaint being tendered, was not uncommon; but, to deny the fact, and therefore to refuse justice, and upon a re-assertion of the matter of complaint to say—"I deny the fact; I refuse redress; I know that you offer to prove them, but I did not do the wrong, and will not consent to any inquiry"—what was this but adding to injury and violence, mockery and insult? But, whatever the House might do, he had performed his duty. He had released himself from his share of the responsibility, as to the sufferings of Ireland. If the inquiry which he asked for should be refused, he should most deeply deplore it. But, the satisfaction would remain to him, that he had urged the House to their duty, and had omitted no arguments which he thought available, to induce them to the adoption of those measures, without which, on his conscience, he believed there could neither be peace for Ireland, nor safety for the empire.

[Loud cheers.] He would now move, "That the petition of the Roman Catholics of Ireland, complaining of Inequality in the administration of the Law, be referred to the Grand Committee for Courts of Justice."

Mr. *Goulburn* observed, that on a subject so deeply involving the best interests of Ireland, the House could not be surprised at his feeling some anxiety to address them. The learned gentleman had stated, that in bringing forward this motion, he had discharged his duty, and relieved his conscience. He (Mr. G.) stood there to discharge his; to state the grounds upon which he considered it incumbent upon the House to resist the motion, and refuse acceding to the prayer of the petition. He was conscious that he laboured under great difficulties in replying to the hon. and learned gentleman. In the first place, he had not the same claim to the attention of the House. In the next, the question was brought forward at a period of the session, when those individuals who were most competent to give information, because most conversant with the administration of justice in Ireland (he meant the Irish members), were, for the most part, necessarily absent; and he was therefore deprived, by their absence, of the valuable testimony which he was confident they would, if present, have afforded to the purity of that administration. Under these circumstances, he had to throw himself upon the indulgence of the House, while he endeavoured to reply to the hon. and learned gentleman; to oppose to his eloquent statement, facts and the result of experience.

The hon. and learned gentleman talked of the petition on the table, as if it were the petition of the people of Ireland. That it was so, he (Mr. G.) altogether denied. He would not admit that the petition spoke the opinion of the people of Ireland. He would not be a party to so libellous a charge upon the people of Ireland. He was convinced that the sentiments which it expressed were abhorrent, not only from the people of Ireland, but from the majority of the class of individuals from whom it professed to proceed. The hon. and learned gentleman urged it on the House, as a duty, not to neglect what he termed the prayers of the people of Ireland. The people of Ireland? Why the petition only professed to be the petition of certain Roman Catholics in Ireland; and when he looked at the signatures, he could not see the names of a great number of persons, professing the Catholic faith, who had on other occasions stood foremost in maintaining Roman Catholic interests. He looked in vain for those titled, respectable, loyal, and gifted individuals, whose local experience and talents qualified them for being at least as good judges of the subject, as those persons were from whom the petition actually proceeded. He would not, therefore, allow that it was a petition even from the Catholic body, or expressive of their sentiments and wishes. He could view it only as the petition of the persons by whom it had been signed. It was the petition of a number of individuals against the established institutions of their country, unaccompanied by any statement of facts (which would have rendered the petition of the humblest member of the community deserving of attention), but founded on the general impression which they entertained, that the administration of justice was unequal and corrupt. But if the petition was deficient in importance, as it regarded the persons from whom it proceeded, it was not the less deserving of consideration with reference to those against whom it was directed. It was, in fact, a petition against all the Protestants of Ireland. Now, if the hon. and learned gentleman were in his place, he would ask him, what would be his feelings, if a petition of a similar kind were presented from a body of Protestants against all the Catholics of Ireland. If a petition were to state, that the Catholics of a certain part of Ireland, of Cork for instance, exercised an undue influence in the formation of juries, if proof were offered that they had succeeded, by a continued system of intimidation, to defeat the operation of the law, to ensure the acquittal of the guilty, if not the conviction of the innocent; and if it had on that allegation charged the whole Catholic community with injustice and corruption, would not the hon. and learned gentleman call on the House to interfere, and resist such an attack? Would he not more especially do so, if he found that petition proceeded not from the higher and more respectable classes of the Protestants, from persons whose stations and character entitled their opinions to weight with the legislature, but from some association founded on narrow and exclusive principles, from some Orange lodge for instance? But where was the distinction between the two cases? He (Mr. G.) could see none. He could see none in the character of the two classes of petitioners; he could see none in their objects, each bore the character of an exclusively religious association, each had for its object the inculpation of the administration of justice. In the commencement of his speech, the hon. and learned gentleman appeared to feel, what, indeed, must have struck every one who had read the petition, that the House were called upon to enter into an examination into the administration of justice in Ireland, on a petition which did not state a single fact, but which merely contained a general, and almost an inflammatory statement as to the whole of that administration. The hon. and learned gentleman had allowed, that the omission might appear extraordinary, but he had, with an ingenuity peculiar to himself, endeavoured to assign a reason why facts were omitted. It was, forsooth, because the corruption of the administration of justice was so notorious to the petitioners, that it had never entered into their innocent imaginations to suppose, that Englishmen could be ignorant of it. Was this a principle upon which to condemn the whole administration of the law? What public institution, what private character, could be safe, if such a principle were admitted; if we were content to assume the absence of all ground for accusation as proof of notorious corruption. Nothing could be more fallacious than such an argument; but its fallacy was not equal to its injustice. He readily admitted that the purity of the administration of justice was a subject of the utmost importance. It was a subject to which the attention of the legislature could not be too strongly directed, and it was a subject on which both Houses of Parliament were very properly anxious. It was impossible to value the purity of the administration of justice too highly. But he put it to the hon. and learned gentleman, whether another duty was not imposed on Parliament, not less imperative than that of preserving the purity of the administration of justice. If they were bound on the one hand, to guard against partiality or corruption, they were bound on the other hand, to guard against exposing the administration of justice to unmerited suspicion [Hear, hear!]. They were bound not to hold up the tribunals of justice to undeserved obloquy. But could there be a more ready mode of doing so, than to be induced by the eloquence of the hon. and learned gentleman exhibited in broad assertions, unsupported by any statement of facts, to take a step, which would imply that the whole administration of justice in Ireland, from top to bottom, was defective? The very petitioners, themselves, used with reference to another subject, an expression, which he would use with respect to this—namely, that suspicion frequently worked all the ills that natural impurity could effect. The hon. and learned gentleman said, forsooth, that all the petitioners required, was inquiry. There were but few cases in which, parliamentarily speaking, a distinction could be drawn between a readiness to inquire, and a readiness to condemn? Would any one, who knew any thing of parliamentary proceedings, say, that to refer such a petition, not to an ordinary committee, but to a committee which had not been resorted to for a hundred years, which was styled the Grand Committee of Justice, and appeared therefore to be reserved for the examination of grave cases of delinquency, could fail to produce an impression, that the House admitted the existence of the alleged evil? Would not that cast a great suspicion and imputation on the administration of justice in Ireland; and would that imputation be diminished by the learned gentleman's declaration, that the notoriety of the corruption was such as to supersede, on the part of the petitioners, the necessity of fact or proof.

The petition, and the speech of the hon. and learned gentleman, advanced two separate grounds of complaint; the one, that the law, as affecting Protestant and Roman Catholic, was unequal; the other, that that unequal law was corruptly administered. In considering the first of these questions, he would beg to ask, was the inequality of the law, a grievance of which the Roman Catholics in Ireland had alone a right to complain, or was not that inequality more severe as it affected the Roman Catholics in England? It was notorious that many exclusions and restrictions were applicable to English Catholics, from which the Irish were exempted; but if proof were wanting of this, the bill of a noble lord, not then in his place, afforded it, which had been expressly introduced for the purpose of conferring on the English those superior privileges which the Irish enjoyed. Why, therefore, was a distinction made by the learned gentleman? Why was so much sympathy lavished on the sufferings of Ireland, under an inequality which pressed with greater severity on other parts of the United Kingdom? And why was not the case of the Catholics, both of England and Ireland, to be referred to this committee? With the inequality of the law, however, as affecting Protestant and Catholic, the government of Ireland had nothing to do. If in the opinion of parliament the law ought to be altered, that was another question. The subject had undergone long and repeated deliberations, and parliament had over and over again decided, that they would not render the laws equal. It was a question, however, which rested not with the government, but with the legislature. But he (Mr. G.) declined pursuing this branch of the argument; more especially as he felt it incumbent upon him to enter more at large into the other branch of the question, which applied to the manner in which, under the existing laws, justich was administered in Ireland. As the petitioners brought only a general charge, it might be enough for him to meet it with a general denial. The learned gentleman had, however, professed to supply facts, and upon those facts he must offer some observations. His first fact was with respect to the magistracy of Ireland: and upon this he argued, that, because the mode of appointing and removing magistrates in England was different from that which had prevailed in Ireland, the magistracy of Ireland was partial and corrupt. He (Mr. G.) was ready to admit what every body knew, that the rule adopted by the lord chancellor of England, in the appointment of the magistrates of England, was very different from the rule adopted by the lord chancellor of Ireland, in the appointment of the magistrates of Ireland. The lord chancellor of England declined to interfere in the removal of any magistrate, unless the case of that magistrate had been heard before a legal tribunal, and a jury had determined against him. But that was not the practice in Ireland.

The circumstances of the two countries were extremely different, and upon this, as upon other questions connected with Ireland, if gentlemen imagined that what was the rule in England, could be uniformly applied to Ireland, or that the difference of the habits and situation of the people did not require a separate mode of conducting the affairs of each, they would grievously err. In Ireland, it was true that individuals had been removed from the magistracy, not because they were partial or corrupt, but because they were persons whose rank and situation did not entitle them to hold the office, their appointment to which in times of peril and emergency had been an act of indispensable necessity. Their removal did not sanction the learned gentleman's inference, that the magistracy were generally corrupt. Instances, indeed, had occurred, and in what country would they not be found, where magistrates had been supine, where they had been over zealous, where they had been ignorant, and in some few cases where they had been corrupt; but he maintained, that taking the magistracy of Ireland as a body, though not exactly on the same footing as the magistracy of England (would to God it were possible to make them so), yet they were honest, zealous, and able, and as judiciously selected as the materials from which the selection was to be made admitted.

The hon. and learned gentleman next criticised the manner in which the recent reform of the magistracy had been conducted. If, in his observations on this subject, he meant, as his expressions would imply, to impute to the lord chancellor of Ireland any undue political motive in the appointment or removal of the magistracy, he stated what was at variance with fact, and did that noble and learned lord great injustice. The removal of any magistrate from the commission was an invidious duty, and the persons so removed naturally ascribed their removal to improper motives. Of course appeals without end had been made to the Irish government, on the subject of the late removals; and he could most honestly and sincerely say, that having been admitted by the noble lord to the consideration of several cases of imputed inadequacy of persons holding the office of magistrates, he had never known one dismissed from the commission, whose character, conduct, and station entitled him to remain in it. If the hon. and learned gentleman himself could look into the details of this subject, he would be perfectly satisfied that the lord chancellor of Ireland could not have been actuated by any motives of partiality or corruption. [Mr. Brougham denied having imputed corrupt motives to the noble and learned lord.] Attributing the removal of individuals from the commission, to their differing in political opinion from the noble and learned lord, and to their being sectaries, was supposing the existence of an improper motive. By no such motive was the lord chancellor of Ireland actuated. He took the recommendation of gentlemen of all political parties, and indifferently, whether Catholics or Protestants. He inquired into the facts of the case, and acted accordingly. But the hon. and learned gentleman was evidently little informed of the circumstances of the case. He had said, that in twelve counties alone the commission had been reformed. The fact was, that there was not a single county in Ireland in which a reformation had not taken place, more or less complete, as circumstances and information permitted. In counties where no interruption had taken place of the general tranquillity, the conduct of magistrates had been rarely under the cognizance of government; and in those cases it was not to be expected that the removals should be numerous, or the reformation complete. But in other counties less fortunate, where the government were of necessity in habits of constant communication with the magistrates, and had frequent opportunities of observing their conduct, the reformation had been most effectual. If, indeed, the hon. and learned gentleman had upon this subject addressed himself for information to the hon. member for Limerick, who sat near him, he would, as he (Mr. G.) believed, have learnt from him, that in that county at least there was no ground to complain of the manner in which the commission of the peace had been revised: that in that county at least, where many causes of delicacy and difficulty had arisen, the decision had not been influenced by any of those religious or political considerations which he had imputed to the lord chancellor. But there was a grave charge against the lord chancellor of Ireland, on the part of the learned gentleman, and it was more deserving of attention, because it was the only one which professed to rest upon a fact. It was, that sir Harcourt Lees was in the commission of the peace in Ireland. On the propriety and discretion of sir Harcourt Lees's conduct, he (Mr. G.) would now say nothing: he would not express an opinion on the conduct of any man who could not be present to defend himself. But he was sure the hon. and learned gentleman would feel the injustice of his attack, and would lament having made a statement, a charge against an individual, when he was told that sir Harcourt Lees was not in the commission in any county in Ireland. If such facts as these were the only ones on which the hon. and learned gentleman proposed to refer the petition to the grand committee on courts of justice, he (Mr. G.) put it to the House whether they would be warranted in pursuing such a course?

As to the appointment of sheriffs, which was the learned gentleman's next head of charge, the learned gentleman admitted, that whatever of evil had existed in it, had been obviated by preceding governments; of which governments, let it be remembered, that the present lord chancellor of Ireland formed a constituent part. The learned gentleman contended, however, that the appointment of sheriffs in corporate towns in Ireland, was as corrupt as ever. Let a case be brought forward, and let the House decide upon that case. He (Mr. G.) had been anxious, ever since he went to Ireland, to discover any such case of corruption if it existed, but, upon his honour, he had been unable to meet with one. Was a general accusation, therefore, to be listened to, in the absence of all statement of facts? But the learned gentleman contended, that, though the high sheriffs might be pure, the under-sheriffs were corrupt; and, in support of that opinion, read the evidence of a witness before the committee above stairs, employed in examining the condition of the poor. The government of Ireland wished for nothing more than to have such a case proved to them. They would visit it with every possible severity. He had declared, over and over again, in Ireland, that if he were once satisfied of the existence of the crime, he would bring the criminal to condign punishment. But he could not proceed on the loose declaration of a nameless witness in a committee above stairs, not substantiated on oath, and not directed against any particular individual. He had been hitherto prevented from attending the committee, not from any disinclination, but from the great pressure of public business upon him throughout the session. But from the moment he had heard of that evidence, he had formed a determination to sift the grounds on which it was given, in order that the government of Ireland might act accordingly. If the hon. and learned gentleman possessed any information on the subject, and would put it into his (Mr. G.'s) hands, he would pledge himself that no under-sheriff, proved guilty of corruption, should keep his office. But he could not consent to proceed on general statements, and on idle rumours, more prevalent perhaps in Dublin, than in any other place in the world. The hon. and learned gentleman talked of the composition of juries being influenced by these under-sheriffs. Where were the facts upon which this charge rested? In the imagination of the petitioners, and of the hon. and learned gentleman. If a case had been stated, in which a particular under-sheriff had improperly formed a jury, and due notice of the charge had been given, it might have been possible, by the production of the panel, to have established or refuted the charge; but never having been before cognisant of such a circumstance, he could not be expected to be prepared immediately to make a complete answer to the hon. and learned gentleman. But there was, as it happened, before the House documentary evidence, from which the injustice of this accusation might fairly be inferred. The House had had occasion to call for the panels returned in the city of Dublin, on several occasions. Here, then, was to be found the evidence of the corrupt or partial conduct of sheriffs in a corporate city if such corruption and partiality existed. If the hon. and learned gentleman's charge were true, we should here find only the names of the worthless and corrupt of those attached to a particular line of politics, or to particular religious opinions. Was this the fact? Take the first panel which came to hand, on opening the paper on the table. What were the names that stood at the head of it? Those of Latouche, Newcomen, Hutchinson, Blackwood and Beresford, persons professing and known to feel the greatest difference of opinion on political subjects, and only associated as being in the opinion of persons of all ranks and denominations persons of the highest integrity and respectability; nor, if the remainder of the panel was considered, did it present names of less respectability, though not so well known to members of this House, who were not conversant with the local interests of Dublin. So far, then, as these were the means before the House, the charge of the hon. and learned gentleman had received a refutation: and if the refutation did not extend to other cases, might it not be fairly presumed that it only arose from not having, with respect to those other cases, the same means of examination and inquiry. Let the House allow much for the exaggerations of rumour—let them allow much for the peculiar character of the society from which the hon. gentleman received his information—a society composed of persons excluded from the very offices filled by those whom they arraigned, and judge what reliance ought to be placed on the allegations of the petition.

Another tribunal, which the hon. and learned gentleman had thought proper to arraign, and from which he argued the general corruption of the judicial administration, was that formed specially for the trial of revenue cases. And it was a little singular, that having argued so warmly and so much at length against the corruption of juries, he should argue with equal warmth against a tribunal which acted without the intervention of a jury. He (Mr. G.) would not now enter into the policy which dictated the formation of this court. The object was, to secure the revenue; and he might safely add, that all the arrangements were made with a view to that end only. A change, however, had recently taken place in the constitution of the boards of Customs and Excise, which would necessarily produce a change in the judicial administration of the revenue laws. He knew, indeed, that another description of tribunal was to be established, not liable to the objections urged against the former one [Hear, hear!]; and was it, when they were on the eve of abolishing a tribunal, that an inquiry ought to be instituted into its proceedings?

Having gone over the points in the petition which had been particularly dwelt on by the hon. and learned gentleman, the House would, perhaps, allow him (Mr. Goulburn) to state some other reasons, which showed that the administration of the laws in Ireland was not a just subject of charge. The hon. and learned gentleman had laid great stress upon the charge delivered by a judge (Mr. Justice Fletcher) in 1814, to a grand jury, while on circuit. He (Mr. G.) was unwilling to say any thing of that grave and learned person which could aggravate the feelings of his friends, or which was not compatible with the respect due to his character. But the hon. and learned gentleman had alluded to another charge delivered by judge Fletcher, at a subsequent period, which in his opinion also went to substantiate the statements in the petition. Now he (Mr. G.) knew, that on judge Fletcher's return to Dublin, on being questioned, whether this latter charge was faithfully reported in the newspapers, he explicitly stated, that so far from being correct, it was at variance with the truth. Might it not then be presumed, that the former charge was published by persons of the same disposition, and having the same object as those from whom the latter emanated? But there were other grounds for believing that the administration of justice in Ireland had been misrepresented. He yesterday had occasion to state, that one of the most necessary duties of the Irish government was, to superintend the administration of the laws. About one-third of all the criminal cases which were tried, not only in the superior, but in the inferior courts in Ireland, came before the lord lieutenant by petition, and were thus actually retried. In investigating these petitions, it became the duty of government to refer to the judge who presided, to know whether the petitioner was entitled to th emercy of the Crown, or whether the verdict of the jury accorded with the evidence adduced. This took place, not only in cases of capital, but also of minor charges; and he could say, that since his connexion with the government of Ireland, no instance had occurred in which the judge imputed corruption or partiality to a jury. If then judge Fletcher knew of improper conduct on the part of juries, such as the charge of 1814 now imputed to him stated to exist; if it could be supposed that he should not have officially of his own mere motion, represented them to the government, yet the practice now mentioned gave him not an opportunity only of making them known to the lord lieutenant, but called imperiously for a full development of his opinions, and the ground of them. As no such representations had been made by the learned judge, either with or without this invitation, he (Mr. G.) thought that he had good grounds for doubting the correctness of the charge of 1814, and the more when it was admitted that the subsequent charge was grossly falsified. But what applied to this particular judge went much further. It not only applied to cases tried before judge Fletcher, but to those tried before the other judges; and if no imputation was to be found in any of their reports upon the conduct of juries, the charge of the hon. and learned gentleman against the administration of justice in Ireland, could not be correct; it could not be deserving of censure—nor was there any ground for calling upon that House to enter upon the proposed inquiry. But it might be said that the judges were themselves Protestants, and were therefore willing to screen Protestant juries for violating their duty. If it were found in the greater number of petitions presented to the lord lieutenant, that the petitioners pleaded the partiality of the juries, though that fact would not be conclusive evidence that the judges had acted in the above manner, it would at least afford ground for declamation. This plea, however, had not been advanced, as far as his recollection served him, except in two instances; and such a circumstance, in his opinion, proved that the charge of corruption and partiality against jurors were gratuitous, and that the judges were above this suspicion. But the hon. and learned gentleman said, that partiality existed not only in criminal but in civil cases. In refuting this part of the accusation, he (Mr. G.) thought he could adduce the most satisfactory evidence. In order to meet the general assertion, it was necessary to ascertain what remedy was open to those suitors who considered themselves injured, and whether they appealed to that resort, or not. If there was a general practice of appealing against the decisions of juries in civil cases, it might be argued that there was at least a general opinion that those decisions were incorrect. Hence there might be ground for inferring corruption or partiality. But if he (Mr. G.) could show that the appeal, which was open to parties in such cases, was not more frequently resorted to in Ireland than in England, he had an irrefragable argument to show, that the decision of the juries were generally satisfactory, and that there was not even a suspicion of corruption. Every one knew that the erroneous decision of a jury in a civil case was subject to revision, through the medium of an application to the court for a new trial, upon cause shown: And could stronger ground for a new trial be urged, than that of a Protestant jury having made the religion, and not the merits of the party, the ground of their decision? Those who have signed the petition, tell us, that though they complain of Protestant jurors, they have a great veneration and perfect confidence in the judges of the land. Upon this subject he (Mr. G.) should quote the opinion of Mr. O'Connell, the gentleman who had signed the present petition, whose experience of the courts in Dublin enabled him to form a correct estimate of the character of the judges, and whose testimony on this point could not be suspected of undue partiality. He should on this occasion quote from the Dublin Evening Post, which was at least as valid authority against the hon. and learned gentleman opposite, as in his favour. The right hon. gentleman here referred to a late speech of Mr. O'Connell, in which that gentleman characterised most of the judges in Ireland as persons of tried sincerity and honesty, and some of whom, he said, he had a proud satisfaction in holding up to the world, as bright examples of learning and integrity. The entire of the present judges in the court of King's-bench, Mr. O'Connell considered of this description, and such as he had never expected to see at the head of that court. Some judges in the other courts were also entitled to the same praise. If, then, resumed Mr. Goulburn, the Catholics were treated with injustice by juries, there was, on the admission of Mr. O'Connell, a court open to them, where they might be certain of redress. Compare, then, the number of motions for new trials in the court of King's-bench in Dublin during the last year, with the number of similar motions in the court of King's-bench in England during the same period. In the former, there had been 32, in the latter 114. In the other courts the proportions were very nearly the same; so there was at least evidence to prove, that the disposition to question the decision of juries, in the only manner in which their merits could be discussed, was not stronger in Ireland than it was in England. He (Mr. G.) therefore begged to be allowed to plead Mr. O'Connell's speech, which he had fairly quoted, and Mr. O'Connell's practice as a lawyer, in not advising a more frequent resort to the legitimate test of the conduct of juries, as a refutation of Mr. O'Connell's arguments, as stated in the petition.

He had thus gone through the several topics in the hon. and learned gentleman's speech, to which it appeared to him in any degree necessary to advert. He had not indeed attempted to compete in eloquence with the hon. and learned gentleman; he had no wish to mislead the judgment of the House; he had not misrepresented his statements, but had contented himself with stating facts, and facts only, in opposition to general assertion. He would detain the House no further than by a recapitulation of the state of the question. The House had on the one hand, before them, the direct assertion (unsupported however by any testimony whatever) that the administration of justice in Ireland was corrupt. They would never forget that that assertion proceeded from those who were mainly interested in representing every Catholic disability as a grievance, in the most glaring and exaggerated terms. The Catholic association had no other claim to public attention, than that which they derived from an attack on Protestant establishments. Their importance, such as it was, depended on the case which they could advance against existing laws and institutions, and it was therefore too much to suppose them exempted from the natural error under such circumstances, of drawing pictures more conformable to their wishes than to reality. The hon. gentleman had added to these assertions much of eloquent invective, and something of general argument, but his argument proved too much. If the state of the laws in Ireland, as regarded Catholic and Protestant, rendered an impartial administration of justice impossible, the same grievance must exist, the same inquiry must be necessary in England, where the legal privileges of the two classes are even more contra-distinguished. Such was the case made out by the hon. and learned gentleman. To this case he (Mr. G.) had opposed the testimony of the judges of the land, admitted even by the petitioners to be men of intelligence and integrity; the testimony of all who composed the Irish government; of lord Wellesley, of the attorney-general, of the solicitor-general, and of himself. The two latter, perhaps, might be suspected of some prejudices upon a question between Protestants and

Catholics; but it should be recollected, that as members of the government, they were above all others interested in securing to the country, the benefits of an impartial administration of justice. It was for the House to judge between the hon. and learned gentleman and himself, or rather between the hon. and learned gentleman and this mass of competent testimony. For his own part, he should decidedly vote against the inquiry; and he trusted the House would never sanction by their vote, the dangerous principle, that ancient and venerable institutions were to be disparaged and destroyed, because individuals were to be found capable of abusing or maligning them. If that were once established (and what could more establish it than an acquiescence in a motion such as that before them), the House might rely, that the administration of justice would not be the only subject of complaint, but that those who now railed with so little reason against the judicial system of the country, would proceed with redoubled confidence and increased violence, to arraign every institution, every establishment, and every practice of the constitution, which opposed a barrier to the bad passions of the multitude, or to their own ill-regulated and dangerous ambition.

Sir *H. Parnell* said, he rose to state some facts relating to sheriffs in Ireland which had come within his own knowledge. But, before he alluded to that, he wished to say, that he thought his hon. and learned friend had been misrepresented by the right hon. gentleman. The evidence upon which his hon. and learned friend relied, was not that of an isolated individual before a committee, but had been confirmed by others. He (sir H. P.) had been upon the committee on the Usury laws, and it was there stated by a very respectable Irish attorney, and a secretary of a principal Insurance office, that the difficulty of having the process of the law carried into execution in Ireland, was the principal reason why English capital was not carried over to that country. The people of this country had no objection to the Irish law courts, but they had many objections to the mode in which the law was executed. Lord Redesdale, whose authority on this subject was invaluable, had said, that in Ireland lord Coke's maxim, "that the execution was the ending of the suit," was reversed; for in that country it seemed to be but the beginning of it. For, so many were the applications for attachments against sheriffs for not doing their duty, and executions were so often renewed, that the suit seemed to have but begun where it ought to have ended. He had reason to know, that the charge of judge Fletcher, as published in 1814, was corrected by himself, and that therefore it was, in every respect, an authentic document; though, as he himself acknowledges, a moderate version of that which was spoken.—The right hon. gentleman had said, that the charge of the petitioners was wild and rambling. He could say from his own experience, that there were great abuses practised amongst the subordinate officers in the administration of justice. It was the common practice for sub-sheriffs to give a number of summonses for juries to their officers, with a blank for the name; in order that the officer might fill it up with the name of him who refused to pay five shillings. There was no general reflection on all the institutions of Ireland in the petition, as the right hon. gentleman appeared to think. The judges were generally approved of; as was also the nomination of sheriffs of counties. The complaint was against the appointments by corporations, especially in Dublin: and in such places it was notorious, that in political trials the Catholic could not expect an impartial jury. The want of complaints against convictions did not bear on the case; for the evil that existed in the north of Ireland was the impossibility of getting a conviction by an Orange jury; and thus the greatest outrages and crimes, if committed against Catholics, went unpunished. He considered the late revision of the magistrates as likely to prove beneficial to Ireland; but its value arose rather from the intimidation which it excited amongst the magistrates, than from any alterations of the old system. It was only an imitative measure, and to make it complete, a vast deal more must be done.

Colonel *Barry* rose to oppose the motion, and said, if no better arguments could be urged in its favour, than those to be drawn from the instances mentioned by the hon. baronet, the House would have little hesitation in deciding upon it. The Catholic Association, from which this petition originated, was one which ought not to exist in any well-constituted state. It was suffered to sit in the immediate neighbourhood of the Castle of Dublin, issuing resolutions, and keeping up all the forms of a parliament, except that it had not a mace upon the table, nor a Sergeant at Arms at the door. If the government of Ireland suffered such an assembly to sit in its vicinity, he hoped it would be obliged to abandon the reins of government, with the disgrace which belonged to it, for having tolerated this focus of sedition. The debates which took place in that association went constantly forth to the public, and were evidently calculated to set one part of the population against the other. Amongst other observations it was averred, that 20,000 Orange-men intended to massacre the whole Catholic population. If that association were not put down, government would be either obliged to yield entirely to the tumults raised by them, or else to abandon the task which they had undertaken—that of ruling the country according to law. The right hon. gentleman here read an extract from one of the speeches recently delivered at a meeting of the Catholic Association, in which the orator pointed out to his Catholic fellow-countrymen the propriety of carrying arms for their defence. He knew that the individual to whom he alluded, afterwards denied having used the expressions imputed to him: but he also knew, that the note-taker, by whom the speech was reported, was ready to declare, on oath, that these expressions did fall from the gentleman in question. Another statement was, that 20,000 Orange-men would exterminate the Roman Catholics of Ireland. This was absurd. What proportion, he would ask, did the whole body of Orange-men bear to the vast numbers who were acting, in every county, under the directions of Captain Rock? The learned gentleman admitted, that those who had intrusted him with the petition had not supplied him with facts; and the reason he gave for their not having done so, was the notoriety of the grievances set forth in the petition. If they were so notorious, why did not the learned gentleman fill up the blank by some statements of his own? He, however, could account in a more natural way for this extraordinary absence of facts. He believed that the petitioners had no facts to state. If they were in possession of facts, would they have kept them back out of mere forbearance? The whole tenour and construction of the petition was a gross libel on the gentlemen of Ireland. It contained a good deal of bombastic eloquence; but in sense and reasoning it was wholly deficient. There was one passage in the petition to which he wished particularly to advert. It ran thus:—"The passions which arise from sectarian hatred, inflamed by the fears of endangered avarice, are of the fiercest kind, and naturally lead to a frightful excess. The sacred writings are tortured into a profane instrumentality—the Bible is resorted to for the suggestions of massacre—and the injunctions of murder are drawn out of the very word of God: conscious of the guilt of their sanguinary affiliations, they fly from the light, their league against their country is veiled in a sacrilegious darkness, and their impious fidelity secured by a blasphemous appeal to the sanction of an oath." These ideas were founded, he supposed, on a pamphlet, entitled "The Orange System Unmasked," and printed by Mr. Millikin, of Dublin; from which also a right hon. baronet (sir J. Newport) had, he believed, examined some of the witnesses, during the late inquiry. He would only say, that he never recollected to have met with such a mass of exaggerated and absurd falsehoods as were contained in that publication.—A great part of the statement contained in the petition rested on the charge of Mr. Justice Fletcher in 1814. He had the honour of knowing that learned person, and he had often argued with him on this very subject. A report of the charge had appeared in the newspapers, which was wholly different from what the learned judge really delivered. He happened to be foreman of the grand jury to which the charge was addressed, and he felt it to be his duty to speak to the learned judge about that which had been published. Mr. Justice Fletcher then declared, "that there was scarcely a word which he had uttered in the printed charge." One expression in the charge was, "that the violence of the magistrates drove thousands into rebellion." Now, such an assertion could not stand. It was not, for instance, applicable to the county which he had the honour to represent. It was the pride of that county that there was never any disturbance in it. At least there was never any serious disturbance. There were of course, fightings at fairs, and petty riots of that description, but nothing more. Mr. Justice Fletcher had, at a period subsequent to his charge, told him most unequivocally, that he never saw any thing improper in the conduct of the magistrates, and that his opinions had been very considerably altered since 1814. He begged leave, in support of his opinion, to quote the sentiments of another learned judge, Mr. Baron Smith, who in passing sentence on two persons who were tried at the Londonderry assizes, for murder and arson, made use of these words:—"The case is made out against you, by men whom I suspect to be Orange-men; but more fair and candid testimony I never heard in a court of justice. What I stated to the jury as favourable to you, was founded on the evidence of those witnesses. The jury, who are exclusively Protestant, have gone beyond what I recommended. They have acquitted you of the murder altogether, and they have recommended you to mercy for the other offence; thus showing the baseness of those calumnious reports and falsehoods which have been so industriously propagated, to render individuals of different persuasions hostile to each other. I will say, that in the administration of justice, a uniform regard is had to the interests of the Roman Catholics; and a degree of indulgence is granted to them much greater than we extend to ourselves. This arises from a spirit of pure liberality." Such were the sentiments uttered by Mr. Baron Smith about a year after the celebrated charge of Mr. Justice Fletcher; and indeed the Roman Catholics themselves did not complain of the manner in which the business of the courts of justice was conducted.—There was one part of the statement of the learned gentleman, which, he confessed, gave him very considerable pain. He alluded to a letter said to have been written by a late attorney-general for Ireland. He was extremely sorry that the learned gentleman should have recurred to a subject which he thought had been set at rest for ever; particularly when the base and infamous manner in which the letter had been procured was recollected.—He should now bear testimony to the pure state of the administration of justice in Ireland. He had not had the experience which other gentlemen possessed, of the proceedings that were adopted in the disturbed counties. His county was fortunately exempted from those scenes of outrage and disgrace which were too common in other parts of the country. The population lived in a state of peace and amity with each other. Until he had heard it stated in the petition, that the sources of justice were polluted throughout Ireland, he had never known such an assertion to be hazarded. Some abuses might, perhaps, exist; and where these were pointed out, they ought to be remedied. If the learned gentleman could bring forward any abuses, he would cheerfully lend his aid in inquiring into, and removing them. But, when complaints were made with respect to the administration of the law in Ireland, it ought never to be forgotten, that where great excitement prevailed, much odium would be thrown on those by whom the laws were administered, however faultless their conduct might be. He admitted that Ireland was in a state which must make every reflecting man tremble; and if decisive measures were not taken, great mischiefs must be the result. He would be a bad legislator who resorted to alterative measures for the purpose of getting rid of so virulent a complaint. In the very first instance, such measures should be taken as would effectually prevent the patient from injuring himself or others. They ought to put down that which was, if not open rebellion, a state very little removed from it. Measures of conciliation, as they were called, would produce no adequate effect. Could any one imagine that such measures would remove the mischief at once? There was, he allowed, great party spirit on both sides—there were infamous publications on both sides—and he wished to see them all put down. Without being less a friend to freedom than any gentleman in that House, he must say, that a state of things prevailed in Ireland which ought to be put down by the strong hand of power. Then, and then only, ought they to apply remedies to prevent the recurrence of the evil. The mischiefs which arose from heated discussion, and from the extremely vitiated state of the public press, were most appalling. Nothing could have so good an effect as putting down, by the strong hand of power, all irritating harangues, and all inflammatory publications. For that purpose he would intrust the government of Ireland with even stronger powers than those which they had demanded.

Mr. *Hutchinson* agreed perfectly with the right hon. gentleman in his concluding sentiment, namely, that things could not go on in Ireland as they were at present, and that decisive measures must be taken to put an end to the evils which distracted that country; but he could not agree with him in thinking, that any good object could be attained by shackling the press with regard to all subjects connected with Ireland. The right hon. gentleman commenced by an animated address to government, to put down the Catholic Association in Dublin. Now, what had occasioned the re-assembling of the Catholic committee? It had been occasioned by the opposition given to the king's government; by the opposition of those who, in their insolence, called themselves the only loyal subjects in Ireland. They had set up a rebellious opposition to the course of policy adopted by the lord lieutenant, although it was in accordance with the wishes of the king himself. The Catholic Association was compelled to re-assemble, to rescue themselves from the faction which had been permitted, year after year, to be dominant in Ireland—a faction composed of men, who, by their mis-government, created the rebellion of 1798; who wished to perpetuate that rebellion; and who would have accomplished their nefarious project, if it had not been for the marquis Cornwallis. The right hon. gentleman had referred to the speeches of Mr. O'Gorman, a highly respectable gentleman. He did not stand there to defend any address which was likely to excite popular fury, on one side or the other; but, if it were true that Mr. O'Gorman had used the angry expressions imputed to him, was there no reason for it? Had the right hon. gentleman read only what had fallen from Mr. O'Gorman, and other members of the Catholic Association? Did he never see certain publications which were sent forth to the world by a Protestant clergyman, who had himself sounded the appeal to arms on the part of the Protestants of Ireland? He alluded to the mad appeals of the rev. Harcourt Lees, a man who was perfectly mad on religious subjects. He had insulted every Catholic and Protestant in the country by his monstrous, disgraceful, ridiculous, and absurd publications.—The right hon. gentleman had also referred to the charge of Mr. Justice Fletcher, which he denied to have been delivered by that learned person. Now, if Mr. Justice Fletcher had never delivered that charge, surely he would have taken some pains to convince the Irish public that it was not his. But this he had never done. With regard to the late attorney-general's letter, his learned friend had nothing to do with the manner in which it was found. If his learned friend had sufficient reason to believe that it was not a forged document, and if he viewed it as having an official character, his learned friend was perfectly justified in making use of it for the purpose of convincing that House to what an extent party feeling was carried. He was anxious to do justice to his country; and, far from being dissatisfied with the able and eloquent exertions of his learned friend, he thought Ireland could not be too grateful for them. But, it was an honest object for any gentleman to attempt to put his country right before that House; and if Irish gentlemen were pointed out as being totally unfit for any situation of trust or confidence, it could not be expected that questions connected with Ireland would be well received in parliament, until that error was corrected. If the House were led to believe that Irish gentlemen were unfit to act as senators, judges, justices of the peace, grand jurors, or petty jurors, they would turn from that country with disgust, and refuse to listen to Irish questions. They would indignantly say, "Let these barbarians go home, and herd with their brother savages." He had always endeavoured to place the Irish character where it ought to be—high in the estimation of the House. There was no duty which the Irish had not performed with as much distinction as the proud Britons. There was as much talent, integrity, and legal skill on the bench of Ireland as could be found on the bench in England. With respect to the complaints made by the petitioners, they referred principally to the situation in which they were placed in the city of Dublin, and did not allude to other parts of Ireland. If they had done so, he and many other gentlemen would have contradicted them. The distribution of justice in Leinster, Munster, and Connaught, was perfectly fair, and left the Catholics without cause of complaint. How could it be otherwise, when, in different counties, many of the grand jurors were Catholics? If this petition were understood to convey a complaint against the administration of justice generally—against the integrity of the bench as a body—against grand and petty juries generally throughout the country—he was prepared to negative the imputation; for, in the parts of

Ireland with which he was best acquainted, there was no ground for so sweeping a charge; nor did the Catholics there, to his knowledge, ever make or sanction it. In candour and in justice he owed this denial, and he freely made it, in behalf of the character of his countrymen, which must be foully injured if the imputation in a general sense were correct. But he did not think the petition meant to make a general charge. He rather believed its chief force was meant to apply to the local influence, in empanelling grand and petty juries, of the corporation of Dublin; enough of which had been disclosed in the late proceedings of the House. It was in that sense, and that alone, he wished to have the petition referred to the committee. He earnestly hoped it would be so referred, not as conveying a general reflection, but as applying to a notorious party influence which was most detrimental to the administration of justice.

Mr. *Daly* could not assent to the construction of this petition as limited to the corporation of Dublin. On the contrary he saw that it cast a general imputation upon the judges, the magistracy, the grand and petty juries, throughout Ireland. A charge so broad was an attack upon the Protestants of the country, totally unfounded in every respect. Much as he contended for the justice and policy of the Catholic claims, yet he could not sacrifice to mean popularity his sense of the gross injustice of the charge conveyed in this petition. Not a single fact was stated in this petition, and every insinuation it conveyed was unfounded. He could say, as the representative of a large catholic county, that he never sat upon a jury without finding a Catholic in the jury-box; and he had never, in a single instance, heard from any member of that religion a complaint of a mal-administration of justice; he had never heard from one of them even a whisper of corruption. He owed this statement to the character of his protestant fellow-countrymen; and he owed also to the Catholics to deny their general participation in the statements of this petition. Not a single Catholic nobleman, honourable member of a noble family, or baronet, had signed it. There was, according to his recollection of them, no signature of any of the great Catholic landed proprietors; nor even of any of the great Catholic merchants. Such a petition did not speak the sense of the Catholics of Ireland, nor did it contain a syllable of fact from beginning to end [Hear!].

Mr. *V. Fitzgerald* said, that though he had strong feelings in favour of the Catholics, yet he could not lend himself to the calumnies stated in the petition—calumnies against the magistracy and against the people. He had never heard it imputed to the judges, to the grand juries, or the petit juries, that they acted partially in the administration of justice. He regretted that such statements as appeared in the petition should ever have been made. He did not mean to speak of the petitioners with disrespect. Undoubtedly they were entitled to great latitude of language in pressing their complaints, because they had suffered great disappointment in the destruction of their first hopes. But still he considered the language of the present petition as calculated to impede the success of their great cause. The petition was a libel on the judges of the land, on the magistracy and on the gentry of Ireland.

Mr. *Abercromby* remarked, that the hon. gentlemen opposite had, in the course of this debate, severely arraigned the conduct of the Catholics; but, did they recollect the adversaries who had driven these Catholics to complain? Did they remember the recent meeting of avowed Orange delegates in the county court-house of Armagh, with the authority of the sheriff of Tyrone, and sanctioned by the presence of the sheriff of Armagh? Did they recollect the general proclamation put forth by that body on behalf of the Orange lodges of Ireland? This he put forth, not as an answer to the speeches of hon. gentlemen opposite, but as a statement of the case. Here were two great parties whose passions convulsed the land—the Orangemen on one side, and the Catholic delegates on the other. The real question was, whether, in such a state of things, it was in human nature that justice could be calmly and equally administered. It was no imputation upon the people of Ireland to say, that the Government were bound to look with a close and vigilant eye to the administration of justice in a country exhibiting these frightful symptoms of civil dissentions. It was said, that the petition contained no facts. He lamented that the parties had been so ill advised as to omit facts; but, were there none in the statement of his learned friend; only one of which had been contradicted, namely, the immaterial one of sir Harcourt Lees not being a magistrate for the county of Monaghan. Was he not a magistrate for the county of Louth?

Mr. *Goulburn.*—He is not a magistrate for any county in Ireland [Hear!].

Mr. *Abercromby* said, that the fact was immaterial; but why not answer the case of major Sirr, against whom, in 1802, a verdict had been found for an assault and wrongful imprisonment? The case of sir H. Lees was a mere matter of opinion, whether he ought or ought not to be a magistrate; but not so, as to major Sirr; his utter disqualification was established, and yet, for years, he had been permitted to retain a situation of great influence and responsibility.—With respect to the magistracy generally, one observation had been made by the right hon. secretary, which had struck him forcibly: it was his statement, when accounting for the recent removals from the list of the magistracy, that many were found to make a private profit of the administration of justice. It was singular, that on a late occasion, when an hon. friend (Mr. S. Rice) had said that there were magistrates in Ireland who sold justice, it was indignantly denied by gentlemen opposite, amid cheers as loud as he had heard that night; and yet now came the admission, that the fact then denied was indisputably correct. With respect to any reflections which had been cast upon the Irish magistracy, he would acknowledge, that he thought the Government, for what they had effected towards their reformation, entitled to the greatest credit. Since the year 1807, when he had first the honour of a seat in that House, not a session had occurred in which some hon. member had not submitted a motion to parliament, touching the necessity that existed for such a reform. The application, however, had been invariably rejected until 1822, when the attempt had been at last made: but clear it was, that mean-while, the evil for which the remedy had been so long denied, had been suffered to remain unalleviated. Then, as to the case of the sub-sheriffs, what had been said by the hon. member for Galway (Mr. Daly) on that subject, fully confirmed the statement first made by the other hon. gentleman. The right hon. colonel had said, that if a particular case of grievance was made out, he would be willing that a remedy should be extended to it. But this was not the proper way in which to meet such a petition. The proper way was, to deal with it as members of parliament. As a member of parliament, he (Mr. A.) was bound to take care, to the utmost of his power, that law and justice should be equally administered throughout the kingdom. Now, it had been admitted, that, so far as regarded the sub-sheriffs of Ireland, this was not the case. And that single circumstance was sufficient to induce the House to listen to the prayer of the petition, conceived, though it might be, in general terms. Authorities had been cited to the House, continued from the year 1797 to the year 1822, to prove that circumstance. The authority of lord Redesdale's speech in the House of Lords last year further confirmed it; and now, on all hands, and by men of all parties, the truth and foundation of Mr. Justice Fletcher's first charge was admitted. The pamphlet that contained it had been corrected by the learned judge before its publication; so that its correctness could admit of no doubt. And this again sanctioned the statements that had been made about the sub-sheriffs. In respect of the observations which had fallen from the member for Cavan, when speaking of judge Fletcher's second charge, the right hon. gentleman was clearly mistaken in one particular: for the fact was, it was not delivered at Cavan, but at Monaghan. There was one part of the case which remained, he grieved to say, quite unanswered; and, until the facts were contradicted, he did trust that his learned friend would not be driven from the position he had taken. A great deal had been said as to the impropriety of the mode by which the letter of Mr. Saurin had been acquired. As to the mode of obtaining it, however, that was a matter with which he had nothing to do. The letter itself or the matter of the letter, was before the House; and the sole question was, whether the House, as he conceived it was clearly bound to do, should use the facts connected with it for the benefit of the proposed inquiry? He thought much might be said on this; not that the letter had been so used, but that it had been used in no other way. He would go further, and protest, that had such a letter come into his own possession, he should have considered himself guilty of a breach of duty towards the people of Ireland, if he had not relied, in their behalf, upon the case it contained—a case which could not be overthrown. For what was it? It was the case of the king's attorney-general addressing to the Lord Chief Justice going circuit a letter of a most extraordinary nature. And what his learned friend had said in relation to this letter of Mr. Saurin was well worthy of attention. One of the arguments which, in this epistle, the learned judge was recommended to use, was to this effect:—having got the gentlemen of the jury into his own room, he was instructed to bias their minds in this way—"let the gentlemen be admonished, that if they don't take care, the Protestants will be thrown into the back ground, as the Roman Catholics were formerly." What could be the line of argument taken by the judge upon the bench, when the argument he was urged to use in his room was, that grand jurors ought to take care to exclude all Roman Catholics from place or power? It was to be put to those gentlemen, as matter of intimidation, that if they failed to do so, they would be thrown into the back ground, as the Catholics had previously been. Care was to be taken to show that this opposed feeling, as between Protestants and Catholics, was to be encouraged rather than repressed. The chief secretary for Ireland had asked,—"why, if judge Fletcher entertained those opinions which he had promulgated, he did not still more strongly enforce upon government than he had done, the necessity of such reforms as he had suggested? To this it might readily be answered, that Mr. Justice Fletcher had already done every thing in his power, and had determined finally upon the course he adopted, because all private means of obtaining redress had become hopeless. Upon the whole, although it had been truly said, that no particular case of grievance was laid in this petition, he thought it was impossible for the house to withhold its consent from the motion of his hon. and learned friend.

Mr. *R. Martin* said, he was very sure, that if the hon. and learned gentleman had had an opportunity of previously communicating with these petitioners, or if they had sent him a brief, or a case only, without a brief, his advice to them would have been, not to transmit to parliament a petition couched in such inflammatory language. He would have said, "in a petition to parliament, you should avoid all flourish, all metaphor, all reasoning [a laugh]. By reasoning, he meant all argument, for a petition should merely state the facts and set forth the prayer. The hon. and learned gentleman would have said to them in his emphatic tone and manner "the House is not to be bullied into this or that measure." It was, he contended, impossible to have a better magistracy than the magistracy of Ireland; though he must admit that they were sometimes warped by local prejudices. As to the charge of judge Fletcher, he had himself spoken on the subject to all the judges of Ireland, and their opinion was, that he ought to be removed from the bench. He would say of that learned person, that nothing became him like his death. If the House was determined to investigate the subject, the best way would be, to appoint a committee next session, and to let that committee adjourn to Ireland; but as to this petition, he could not give it his support.

Mr. Secretary *Peel* said, he would confine himself strictly, in what he had to say, to the consideration of the matter immediately before the House. When he stated to the House, that out of eighty-four days which had been this session devoted to the despatch of public business, no less than forty-nine had been appropriated to the discussion of Irish subjects, it would easily be imagined how disposed he felt to confine himself within the limits he proposed. The question, then, was shortly this—whether the House should have recourse to the very unusual proceeding of referring this petition to a committee, the grand committee for courts of justice—a proceeding that had not been resorted to by parliament for the space of 120 years past? And then it was adopted upon express allegations of corruption in one of the judges. Now, he wished to to know whether, in the speech of the hon. and learned gentleman, or in the petition itself, any ground for such a proceeding as this had been laid? He had heard it called the petition of the Roman Catholics; but, opposed as he had been to that large and important body of his majesty's subjects, on the question of Emancipation as it was called, he rose to rescue them from the charge of having prepared or transmitted so inflammatory a petition: or of having been privy to, or in any way connected with it, couched as it was in such unbecoming, indeed he had almost said such ferocious, language. It could never be imagined that the Roman Catholics of Ireland could be parties to representations of this kind—"that the corporation of

Dublin is disgraced by the foulest corruption, and has been convicted of the most flagitious fraud—that the city of Dublin has been robbed of upwards of a million of money by these abandoned peculators." Would the Roman Catholics of Ireland, had they been satisfied even that these statements were well-founded, have disgraced themselves by such language, without at the same time setting forth facts to warrant its use? But on this subject some information had been already laid before the House, in the course of the inquiry into the conduct of the sheriff of Dublin. With respect to the civil proceedings and conduct of the corporation of Dublin and its expenditure, a committee had been appointed to inquire; which committee had pursued its inquiries for three months, and was still sitting up stairs. But it was most remarkable, that in this petition, which dealt so largely in general averments, no specific fact was stated. He called on the House, therefore, to suspend its judgment on the subject matter. Even the hon. and learned gentleman himself, like a skilful orator, had taken occasion to complain of this defect; and had endeavoured to account for it, on one of the most whimsical and extraordinary principles that could well be imagined; namely, that the facts imputed by the general averments of the petitioners were so notorious, that the petitioners thought it unnecessary to recapitulate them. In passing, he would observe, that the petition itself was more in the declamatory style of a condemned tragedy, than of a grave representation to the legislature. Other reasons might be assigned for the omission of any particular facts; and as to the general assertions, many hon. gentlemen, some friendly and others opposed to the Catholic cause, had that evening come forward to contradict every one of them, and to declare them in all respects unfounded. The hon. member for Cork, for instance, a gentleman from whom he generally differed on political subjects, but whom he could never hear without feeling the strongest disposition to do justice to the manliness and the candour with which he had denied all these accusations about the bad administration of justice in Ireland, the bad conduct of the judges, or the malpractices of juries. He denied them totally in all cases which were within his own observation. Now, the House should know that this petition was, in fact, transmitted from a society called the Catholic Association now sitting in Dublin. Ten years ago, the Catholic Association was also sitting; and, at the instigation of that body, a very able work was composed, on the Penal Laws of Ireland. The author received the thanks and rewards of that Association: and in that book, too, there were many of these general assertions respecting the administration of justice in Ireland. The right hon. gentleman then read a passage from the book, imputing partiality and denial of justice to the Irish government. There was but one particular instance quoted, and to that the House would do well to attend. It was stated, that at the summer assizes for Kilkenny in the year 1810, a Catholic farmer was tried for a capital offence; that he was found guilty and sentenced; that he was a man of substance, and that between his condemnation and his execution his innocence was made manifest; but that finally he was hanged, protesting publicly his innocence. There were some very shocking circumstances attending this case (it was added), which the government would find it difficult to explain. Now, for this publication a prosecution was instituted against the printer; to whom it was intimated, however, that no proceedings would be had, provided he would give up the author's name. The prosecution was pursued; and it turned out, that Barry, the individual alluded to, had been tried twice—once before lord Norbury, and once before Mr. Baron George. In the first instance, he was indicted on two counts; one being for maliciously firing a pistol with intent to kill a man, the other for being found with the pistol on his person when seized. As the law stood, the judge charged the jury, that one was a capital, the other a transportable offence. On the transportable offence he was tried and acquitted; but on the other, being remitted to another tribunal, by another judge and jury he was found guilty, and executed according to his sentence. The right hon. gentleman then cited a passage from the speech of Mr. Solicitor-General Bush, in a libel cause in Ireland, wherein it was shown, that a man who was said to have been acquitted on a charge of murder because he was a Protestant, had been so acquitted under the direction of Mr. Justice Osborne and Mr. Baron M'Clelland, by reason of his insanity—a direction which the hon. and learned gentleman opposite, immediately on being informed of the fact, did himself call upon the House to acquiesce in. This was the case of Walter Hall, in 1812—the only other specific grievance of which, amongst all the general imputations that had been so falsely cast on the administration of justice in Ireland, he had ever heard. With respect to the appointment of magistrates, lord Manners must rely upon information; and the rule which he laid down for his own guidance was, not to attend to the recommendation of any man who might be supposed to be biased by political partialities, but to act on the recommendations of privy councillors and governors of counties. It was true that, on the disturbance which had occurred in the north of Ireland, the troops were obliged to withdraw, as they could not act, no magistrate being present. But, why was no magistrate present? Because lord Manners had recently withdrawn an individual from the commission of the peace, who had been accused of acting under strong party feelings. As to major Sirr, he did not think it quite fair to cast reflections on that gentleman, and rely as an authority on the speech of Mr. Curran. If the case against major Sirr had been so strong, why did not Mr. Ponsonby and the duke of Bedford remove him from the commission of the peace? He asked this, not as intending any imputation against the duke of Bedford or Mr. Ponsonby, for not so acting, but as the strongest possible inference, that the trial did not produce such damning proofs against major Sirr, as had been supposed. In the whole of the six years, during which he (Mr. Peel) had been acquainted with major Sirr, he never knew a milder man, or one less disposed to exert authority unduly. With respect to the charges of Mr. Justice Fletcher, for very obvious reasons he felt desirous of saying as little as possible. He had the original charge of Mr. Justice Fletcher in his hand, and as it differed very materially, in some important particulars, from that which had been stated, he was at least justified in saying, that the charges of that learned judge were tainted with political partialities. He was rather surprised that the learned gentleman should have referred to the letter of Mr. Saurin, since he had last year, on a very proper feeling, declined to make it the subject of discussion in that House; and though the learned gentleman had now thought proper to do so, he (Mr. P.) would not refer to that letter; for he never would admit that that document was legitimately before the public, and to make it the subject of discussion in that House, would be destructive of that confidence which ought to exist between master and servant, and would be holding out a bribe to the latter to betray the former. On Mr. Saurin himself the right hon. gentleman then pronounced a warm eulogium. As to the charge made against lord Norbury for what appeared to be a joke, and for which the learned gentleman appeared to have no better authority than a newspaper statement, there was scarcely a joke in Dublin which was not imputed to lord Norbury, and he doubted, if it had been correctly stated, whether much of that improper levity which appeared to attach to it would have had place. The learned gentleman had fairly admitted, that allowances must be made for the customs and manners of the country; and though he (Mr. P.) might approve of the solemnity with which such things were conducted in this country, yet he must regard the difference of character; and he could assure the learned gentleman, that he was as anxious as himself to exclude politics from the bench.—The petition which the learned gentleman had presented was destitute of facts; but the learned gentleman had himself supplied the deficiency. But, to show what the value of the learned gentleman's statements were, he would recall to the recollection of the House what he had said a few nights ago, on the subject of the court of Chancery. Speaking of lord Manners, the learned gentleman had said, that almost all the judgments of that noble judge, in one particular year, which had been appealed from, had been reversed by the lord chancellor of England. Upon an average of ten years, out of 100 appeals from the judgments of the Irish chancellor, 50 of these sentences had been reversed. So that in pronouncing judgment, the learned lord was wrong about once in two times. That was the learned gentleman's statement. But what was the fact? Why, that in thirteen years there had been 2,700 decrees pronounced by lord Manners, and eleven only of his judgments had been reversed in the whole time. There had been 22 appeals only in the thirteen years, and only eleven had been reversed. So that, if he had correctly understood the learned gentleman, he must make a deduction from his accuracy of about 22,000 per cent. In conclusion, he never could believe that the petition was intended to induce the House to enter on a calm inquiry, but was convinced that it proceeded from bad party purposes. He therefore never would consent to give currency to the imputations contained in it, by founding any parliamentary proceeding upon it, and still less would he consent to found upon it that extraordinary proceeding, a reference to the Grand Committee on Courts of Justice.

Mr. *Brougham* rose to reply, amid loud cries of "question." Silence being restored, he said, that unless he troubled the House with a few words by way of reply to what had fallen from the right hon. gentleman, he should place himself and the question committed to his care in a very unfair posture. It would be observed, that when he addressed the House in the early part of the evening, it was to a different audience from that which the right hon. gentleman had addressed, which made a reply the more necessary. For instance, would not any one imagine, from the manner in which the right hon. gentleman had laboured the point, that he (Mr. B.) had made statements from the pamphlet of Mr. Scully? But he had made no allusion to it whatever, and had even carefully avoided taking any statement from it, though fully aware of the value and importance of them. He had, however, to give his personal thanks to the hon. member for Galway (Mr. R. Martin), for the exceedingly jocose notice he had been pleased to take of his address. He had never heard a more successful piece of mimickry, if he might be allowed to call it so, "on these or any other boards;" and he could not help congratulating the right hon. secretary, who was generally called the manager of that House, that so eminent a performer had closed his theatrical career this season with so excellent a performance [a laugh]. In answering his statements respecting lord Manners, the right hon. secretary had gone merely against his (Mr. B.'s) credit as a stater of facts. He had stated the number of decrees reversed to be in proportion to the whole number of appeals as 50 to 100. The right hon. secretary had stated them as 11 to 22, which was exactly the same proportion, being one half of the whole number brought under the review of the superior tribunal. If he seriously inferred from this that, on an application to the court of Chancery, there was only an even chance whether the decision was right or wrong, he should be guilty of a degree of exaggeration. This was matter of inference, and it had been exposed, as far as it was capable of exposure, by the solicitor-general on a former evening. But, if this was an exaggeration, neither could he admit on the other hand the inference in favour of lord chancellor Manners, from the comparison of the number of reversals with the number of causes decided. "I must own," continued Mr. Brougham, "that I have not that deep respect which the right hon. secretary professes for lord chancellor Manners. I speak the general tone of the bar when I say, that as a lawyer, he was unknown in England before his elevation to the bench. I have heard him since, as a lawyer, a judge, and a politician combined in one; and I must confess, that the reason why I feel towards that learned person less respect than I might otherwise have deemed him entitled to, is from his conduct on the Queen's trial—conduct which excited indignation and disgust." He was the only peer who thought proper to call that illustrious personage "that woman," and in a tone, too, which could never be forgotten; and who had followed it up by delivering an opinion as a lawyer which astounded every lawyer who heard him, and drew from the venerable keeper of the seals observations which were felt by every one present as a rebuke and a correction. On the present occasion, he (Mr. B.) could not omit all mention of the letter of Mr. Saurin, because, at every Catholic meeting, arguments were drawn from it, and particularly at the meeting at which the petition which he had the honour to be intrusted with was agreed to; and therefore it did appear to him, that without being unreasonably fastidious, he could not avoid mentioning that letter. And why, he would ask, was he to be blamed, as if he had given publicity to it? He would be the last to sanction the publicity of a document, obtained as he presumed that letter must have been; and he fully concurred with the right hon. gentleman in thinking that the procuring such a document clandestinely, with the object of making it public, and that, too, for a criminal purpose, was revolting to every honourable feeling. He fully went along with him in saying, that it was in every way indecent to give encouragement to a practice which was holding out a bribe to servants to betray the secrets of their masters, ay, and their mistresses too. He said, "and their mistresses too;" and not only bribing them to betray her secrets and steal her papers, but producing them, to bear out a charge founded on the papers which they had obtained by larceny. He would say, that it was every way indecent to carry on, by means drawn from such polluted sources, a prosecution in which they at once insulted, disgraced, and degraded the country—a prosecution, foul and polluted in its origin and progress, and which made the sun shroud itself in darkness, as if unwilling to lend its light to the perpetration of such wickedness [cheers]. And, by whom was this disgraceful prosecution carried on? By ministers—by the very colleagues of that right hon. gentleman, who was now so marked in his disclaimer of all and every encouragement, by which servants might be bribed to betray their masters and mistresses. If the right hon. gentleman was sincere—and sincere he had no doubt he was, in his disclaimer of such vile practices—what disgust must he not feel at sitting in the cabinet with the very ministers by whom a prosecution so founded was carried on! He did not say all the ministers, for the right hon. the secretary for Foreign Affairs had shown his disgust and abhorrence of the proceeding, in a very early part of its progress. He must also except the President of the Board of Control (Mr. Wynn), whose upright mind must have revolted at such an atrocious prosecution. But, with these exceptions, the whole of the right hon. gentleman's colleagues—the right hon. the Chancellor of the Exchequer who sat next to him, the right hon. the lord chancellor Eldon, the ancient friend and counsellor of her late majesty, when princess of Wales—all concurred in carrying on a prosecution founded on practices which he now so justly deprecated. He should like to see with what face the right hon. gentleman could come before lord chancellor Eldon after the report of his opinions that night should have reached that noble and learned person [Cheers, and cries of "Question."] "Ay," continued Mr. Brougham, "you may call question; you may try to bring on some other topic, because a charge is made which clings to your consciences, and betrays your feelings. Ay, Sir, we ourselves have been a party to this degradation. We have yet a green bag in our possession, which we received with open arms. It was laid upon our table; and, had not some opportune chance occurred to prevent it, we should have entered into the examination of its contents, with all the malice, the fury, the animosity, which could be felt by any beings above the condition of a fiend. And that bag was filled with documents, the contents of which had been sought for and procured by means to which, in the comparison, the means adopted to obtain the letter to lord Norbury rose into something respectable. When, then, we condemned such means, as they ought to be condemned, let us, at least, bear in mind how far our own example might have operated in inducing their adoption [Cheers]. Great stress had been laid upon his alleged mis-information with respect to sir H. Lees being a magistrate. He had received his information on this point from a gentleman whose authority he considered very good, but the right hon. gentleman denied that sir H. Lees was at all in the magistracy. Even supposing the fact to be so, it did not alter the case with which he had connected the statement. In fact, that statement had been confirmed in many points. He had stated, that justice was bought and sold in Ireland; and this was admitted by the hon. member for Limerick, the son of one of the chief magistrates of that country, whose hereditary prepossessions would lead him to say the contrary if he so felt it. He did not so much condemn the individuals as the system. He did not mean to say, that Irishmen were more disposed to corruption than others; but he did say, that a set of angels, much less Irishmen, could not be altogether free from corruption under such a system. None of his authorities on this subject had been disputed, except that of Mr. Justice Fletcher. He had been described by the hon. member for Galway, as one of the worst judges—partial, and irritable, and unjust, and that nothing became him so well as his death. This was certainly rather a severe opinion, and no doubt the hon. member who gave it was very good authority; but still he must say, that it was contrary to every thing which he had before heard, with respect to that learned judge. He had always understood that he was upright, strictly impartial, and sincere in the opinions he expressed. He would not go into the question of the propriety of a judge delivering a political charge; but he would assert, that, next to the merit of not having delivered a political charge, he was entitled to praise for having given so good a one. It was said, that the opinions of judge Smith were opposed to those of Mr. Justice Fletcher. For judge Smith he had a great respect. He admitted his talents and his character; but if he were to form his opinion from some of his works, which it had been his fortune to read, and to recollect that they were published by a learned judge on the bench, he could not form the highest opinion of his judgment. With the exceptions he had mentioned, the whole of his (Mr. B.'s) authorities remained uncontradicted. But then came the hon. member for Cork (Mr. Hutchinson), who had got into the most laudatory mood, and praised the whole of the administration of justice. He had eulogised the purity of the twelve judges, the grand and petit juries; in fact, all the civil authorities connected with his part of Ireland. They were all pure, and wise, and just, and impartial. This general and unqualified praise, on the part of his hon. friend, reminded him of the story told of Mr. Hargrave, who had been appointed recorder of Liverpool, and who was so pleased with the appointment, and with the manner in which he had been received, in the discharge of his judicial functions, by the good people of that town, that on his return he could never cease talking of them, and always in a strain of the highest eulogy. "The magistrates," Mr. Hargrave would say, "oh, they are the kindest, the most humane, and most considerate set of men I ever had the pleasure of meeting. They all seem delighted at every opportunity of making themselves useful. The attornies who practice there are a most upright and deserving set of gentlemen. They are worthy of a much higher rank and better fate, and would do honour to the wig and gown in any part of the country. Then, the juries are so kind, and attentive, and obliging; and their suitors who proceed in that court, they are so civil and so candid, so grateful for the smallest portion of justice, that it is really a satisfaction to administer it to them." "And the criminals?" said a gentleman who was listening to this laudatory statement, "Ah, the poor criminals;" continued the learned recorder, "why, really, for poor fellows in their situation, they were the best and the worthiest set of men I ever met" [a laugh]. It was so with the hon. member for Cork. His praise was so general, that none were exempted—judges, jurors, grand and petty, recorder and all were all generally pure—all sacred in Cork and its vicinity. To be sure, the hon. member's praise of the judges was well meant, but it was rather something too little to say that the twelve judges were "generally" pure. In England, we said that all our judges were pure and uncorrupt. What notion would a foreigner have of our administration of justice, if he were to be told that our judges were "generally pure?" He (Mr. B.) had not said, that the judges of Ireland were corrupt, but he did say, that owing to the system pursued in that country, they were more liable to be swayed by prejudices than was consistent with the pure administration of justice. It had been admitted, that the court of King's-bench in Ireland was pure, but this was put forth with so much ostentation, promulged in so triumphant a manner, that one might imagine that the same could not be said of the two other courts.—The hon. and learned gentleman went on to implore the House to consent to the motion. The assent to it could be productive of no injury; but he would maintain, that it would tend to promote conciliation—to avert a discontent, of which they could not foresee the consequences. It was said, that this was not the petition, and did not speak the sentiments, of the Roman Catholics of Ireland. He maintained that it was, and that the sentiments it contained were those of that great body. The body from which it emanated were looked up to with confidence by their constituents, and they would forgive any little excess of zeal, when exerted for an object which they had all so much at heart. There was no surer way of making the sentiments of the petition be echoed from one end of Ireland to the other, than by now saying, that the language of it was indecent—that the parties from whom it came were not respectable. That one sarcasm, of calling it a condemned tragedy, would tend to rouse six millions of people to rally round their two thousand leaders. He would advise the House not to criticise this petition with too nice severity. He called on them to look at Ireland. It was now in that state which excited the fears of those who never feared before; and even while he was speaking Ireland might be in serious danger. Let the House, then, open the doors of its grand committee of justice to this petition. The effect would be, to suspend all danger from popular feeling—to excite hope in the minds of all, from the anticipation of what might be done in the next session. He called upon them, then, in the name of six millions of people whose interests were so much concerned—in the name of those whose peace was disturbed—and in the name of the empire at large whose security was threatened, to put an end to all fears of present danger, by holding out an assurance to the petitioners that their case would be considered.

Mr. *Hutchinson*, in explanation, repeated, that if the petitioners asserted, that justice was not fairly administered to them by the judges of the land because they were Catholics, they stated what was false; that if they stated that grand and petty juries in the South and West of Ireland did not administer justice fairly to them because they were Catholics, they stated what was false; for the greater part of the juries of that part of the country were themselves Catholics. This was what he had said, and he was surprised at the very gross misrepresentation of his sentiments which had been given by the hon. and learned gentleman.

Mr. *Brougham* said, that his hon. friend had used very strong language. He was sure his hon. friend did not mean to quarrel with him; but if he did, he could assure him that he would not quarrel with his hon. friend. He objected to the terms used by his hon. friend, principally because they happened to have no foundation.

The House divided: Ayes 59; Noes 139.

List of the Minority.

Barnard, visc.
Barrett, S. M.
Bennet, hon. H. G.
Benyon, B.
Broughton, sir W. E. R.
Brougham, H.
Buxton, T. F.
Calcraft, J. sen.
Calcraft, J. H.
Campbell, hon. G. P.
Carter, John
Cavendish, ld. G. A. H.
Cavendish, lord H. F. C.
Chaloner, R.
Colburne, N. W. R.
Davies, T.
Denison, W. J.
Denman, T.
Ebrington, visc.
Evans, W.
Farrand, R.
Fergusson, sir R. C.
Grattan, J.
Griffith, J. W.
Hamilton, lord A.
Hobhouse, J. C.
Honywood, W. P.
Hume, J.
Hurst, R.
Hutchinson, hon. C. H.
Kennedy, T. F.
Leycester, R.
Leader, W.
Mackintosh, sir J.
Marjoribanks. S.
Martin, J.
Milbank, M.
Moore, P.
Newport, sir J.
Nugent, lord
Palmer, C.
Pares, T.
Parnell, sir H.
Powlett, hon. J. F.
Poyntz, W. S.
Ricardo, D.
Ridley, sir M. W.
Robarts, A. W.
Robarts, G. J.
Robinson, sir G.
Rowley, sir W.
Rumbold, C.
Scarlett, J.
Smith, J.
Smith, hon. R.
Tierney, G.
Western, C. C.
Williams, J.
Williams, sir R.
Wood, M.

TELLERS.

Abercromby, hon. J.
Duncannon, visc.

PAIRED OFF.

Anson, hon. G.
Monck, J. B.
Russell, lord J.
Russell, lord G. W.
Whitbread, S. C.

HOUSE OF COMMONS.

Friday, June 27.

King's Message respecting Viscount St. Vincent's Annuity.] The Chancellor of the Exchequer presented the following Message from His Majesty:

"George R.—His Majesty, taking notice of an Act of Parliament, which has made provision for extending to the Viscount St. Vincent an Annuity granted to the late Earl of St. Vincent, and the Heirs Male of his body, and being desirous that a Pension granted to the said Earl by the Parliament of Ireland should be extended, in like manner, to the Viscount St. Vincent, recommends this object to the consideration of the House."

Ordered to be considered on Monday.

Petition of G. Rowan.—Complaint against a Member.] Mr. *Brougham* said, it would be in the recollection of the House, that he had last night presented a petition from a Mr. George Rowan, which contained a serious charge against an hon. member of that House. He had stated upon that occasion, that he had no knowledge either of the party who signed the petition, or of the charges which that petition contained. He had, therefore, upon the suggestion of the president of the Board of Control, after hearing the positive denial given to the accusation by the party whom it implicated, consented to withdraw the petition. But he was now bound to state, that the petitioner having referred him for information to an hon. member of the House, he had made the required reference, and the result of it had been, to make the charges in question assume a much graver interest than he had originally attached to them. He felt that he should, as a public servant, desert his duty to that public, if he did not in consequence proceed further in this matter. The hon. member to whom he had referred for information, had written to him in the following terms:—"I know Mr. G. Rowan; he is a relative of mine. I never heard any thing against him, except the charges on which he was dismissed from his situation; and, whatever was the merit of the charges against him, there can be no doubt that they were prosecuted from the most base and treacherous motives. He is a clever, and at the same time a cautious, man." He (Mr. B.) was not at liberty to mention the name of his informant, and he therefore declined giving it. Indeed, it was not necessary for him to give it, since his informant had said nothing against the hon. member who was charged, but had only done that which he was bound in justice to do—namely, speak to the ability, and more particularly to the caution, of Mr. G. Rowan. He now thought it necessary to state, that he should either take another opportunity of presenting Mr. Rowan's petition, or else ground some future proceeding on it. He hoped that, in a matter of such importance, the House would allow him a day or two to consider of the line of conduct which it might be expedient for him to adopt.

Usury Laws Repeal Bill.] Mr. Serjeant Onslow moved, that the Report of the Committee on this Bill be next received, upon which, a member whose name we could not learn, moved as an amendment, that it be put off for three months. After a short discussion, the House divided: For the original motion 21; for the Amendment 26. The bill was consequently lost.

HOUSE OF LORDS.

Monday, June 30.

Marriages in Foreign Countries.] On the committal of the Marriages at St. Petersburgh bill,

Lord *Holland* said, that the present bill had his entire concurrence. He only regretted that it did not extend to all marriages contracted by British subjects, and solemnized in the chapels of our ministers abroad; for, although no lawyer, he had no doubt of the validity of such marriages himself, yet many respectable persons did entertain doubts on the subject; and, though lawyers when applied to had given an opinion favourable to the validity of such marriages, yet such opinion had always been clogged with the observation, that there had been no decision on the subject. He regretted that, during a session in which so much of the law relating to marriages had been taken from the common law, and placed on the Statute-book, no statute nor clause, nor even dictum, had been uttered, for setting at rest this question of the legality of marriages solemnized in factories abroad, or in the chapels of our ambassadors.

The Marquis of *Lansdown* concurred in opinion with his noble friend as to the necessity of some declaratory law on the subject.

Lord *Colchester* was also desirous that another session should not pass without some measure being brought in for setting the question at rest.

The Earl of *Liverpool* entirely agreed with what had fallen from the preceding speakers. At the time the present bill was brought in, he had said, that the only objection which could be made against it was, that being confined in its operation to marriages solemnized at St. Petersburgh, it might give rise to doubts of the validity of other foreign marriages. He believed it was a completely recognised principle of our laws, that marriages made in foreign countries, according to the laws of those countries, were valid; but the present bill had no reference to that case. There were two ways in which marriages might be regularly solemnized by British subjects abroad. They might either be made according to the laws of the respective countries, or the parties might be married in the House of the minister. So long as the factory at St. Petersburgh existed, marriages solemnized by the chaplain there were conceived to be of the same effect as if they had been solemnized in the house of the ambassador; but it having happened that the factory at St. Petersburgh had been put an end to, the question had arisen, whether marriages made there, not according to the laws of Russia, were valid in this country. It was with a view to that particular difficulty that the present bill was brought in. He should have no objection to a general measure, if it were thought necessary.

The Earl of *Lauderdale* said, there was no doubt as to the law regarding marriages made in foreign countries according to the laws of those countries; but the doubt was, as to marriages made in British factories abroad, or in the chapels of ambassadors; and, respecting these, there ought not to exist any doubt, since a short bill might be passed on the subject during the present session.

The *Lord Chancellor* said, that during the fifty years he had been in the profession, he never heard of any doubts till the late bills were brought in, whether marriages performed in the chapels of our ambassadors were valid. There was no doubt that they were good marriages; and he was persuaded that no contrary opinion would ever be sanctioned by judicial authority.

The bill went through the committee.

Appellate Jurisdiction.] On the order of the day for the second reading of this bill,

The Earl of *Liverpool* moved the first resolution, recommended by the select committee, for increasing the number of days during which the House would hear appeals, from three days to five days in the week.

Earl *Grosvenor* objected to the compulsory clause for enforcing the attendance of peers, and thought it would be worth while to see first, whether a voluntary attendance could not be procured. If this resolution were adopted, it would lead to a singular anomaly; part of a cause might be heard by three peers, another part by three other peers, and the conclusion by three others, who had heard perhaps little or nothing of the case, and the deputy Speaker could only give his opinion. At present, the House had the advantage of the opinion of the noble and learned lord on the wool-sack; which, notwithstanding that habitual doubt and hesitation which he had himself good-humouredly acknowledged to belong to him, certainly, swayed the opinion of many noble lords. They had also the advantage of the noble and learned earl's vote, which they could not have from the deputy Speaker.

Lord *Manvers* hoped the House would pause before they adopted this resolution; for if agreed to without modification, the House must sit all the summer.

Lord *Erskine* thought, that if the bill which had been read the second time that evening passed into a law, their lordships would, in a short time, be under no difficulty at all on the subject of appeals; because he was sure, that if they appointed proper commissioners (of which he had no doubt) they would have faithful and enlightened assistance from the judges of the court of session, and from the eminent persons of the Scotch bar, and the best effects might be anticipated. In his opinion, the great arrear arose from their having brought before them points of fact, and not points of law. It never was intended that appeals on facts should occupy their lordships' time. But it might be said, what was to be done in the interim, while the inquiry was going on by the commissioners? He would say, nothing should be done. They must go on as they could. The present seemed to be meant as a preliminary step; and he for one could not consent to any change in the manner in which the House should exercise its jurisdiction. For his own part, he was so well satisfied with the manner in which the judicial business of the House was conducted by his noble and learned friend on the woolsack, assisted by another noble and learned friend (lord Redesdale), that he professed he could see no remedy for the evil, but impounding him in that House [a laugh!]. It was very true, they might lose the benefit of their services by death; but he believed they were too much men of honour, seeing their usefulness, to suffer any thing but death to cause the House a loss of their services. He might say, that he knew something of the law; but of Scotch law he was as ignorant as a native of Mexico. And yet he was quite as learned in it as any one of their lordships who could be appointed deputy Speaker, and who could but bring to his office a legal apprehension. For his own part, he was above seventy years of age, and could not be compelled to take any part; and he should, therefore, if the resolutions were adopted, leave their lordships to themselves.

The *Lord Chancellor* said, he did not see because his noble and learned friend was above seventy years of age, that he should, therefore, have such an utter obliviousness of what was going on, that he should not assist in the business of appeals in the House of Lords. He thought that in the case of any future Chancellor retiring, the minister should make his attendance a condition of his pension. A noble earl (Grovenor), in the plenitude of his knowledge, might perhaps have no doubts on any point of English, Irish, or Scotch law; but, when the noble earl took upon himself to taunt him with hesitation, and doubting, he would tell that noble earl, that when they were deciding causes in the last resort, and their decisions were to give the law to other courts, they could not be too cautious. The time was fast approaching when his natural life must terminate; and for his judicial life, it had already been too long; but, when the termination of his natural life did arrive, that degree of caution, which was called doubt and hesitation, would be his greatest comfort; because, by means of that caution, he had reversed decrees, and prevented the injustice of A keeping possession of property which of right belonged to B. If their lordships would compare his conduct during the twenty years which he had sat on the judicial bench, with the conduct of any of his illustrious predecessors—and he did not fear the comparison; on the contrary, he invited it—he was sure that the comparison would not turn out to his discredit. On that account he could not but feel indignation, when he was informed of the language in which his conduct had been arraigned in another place, by those who ought to have known better. It had been publicly asserted, that appeals in the House of Lords were nothing more than appeals from the lord chancellor in one place, to the lord chancellor in another. He should like to know, whether the persons who dealt in such assertions were aware that there were many appeals to their lordships from the Chancery, in cases which had never been heard at all by the lord chancellor, but which had been decided by the Master of the Rolls, or the Vice-chancellor? For instance, the great case of Clinton v. Cholmondely was not an appeal from the Lord Chancellor; and there were a number of other appeal cases now before their lordships of a similar description. Besides this, he should like to know whether the gentlemen in Westminster-hall had yet to learn, that lord chancellors were not ashamed to retract their opinions, when they had reason to believe that those opinions were formed upon erroneous grounds. He would undertake to say, that not one of the distinguished characters who had sat before him upon their lordships' woolsack; had ever shewn the slighest reluctance to reverse his judgment, when it was shown to be incorrect; and he would fearlessly ask, whether he himself had ever exhibited any unwillingness to reconsider before their lordships any of the decisions to which he might have previously come in another place? He could say most conscientiously, that he never had; and for that very reason, the insinuations which had been thrown out against his judicial conduct were as cruel and vexatious as they were unfounded and unjust. He had never upon any occasion declined, on the contrary he had made it his continual practice, to state at length the various grounds upon which he rested his decisions; in order that the bar might be enabled to declare to their clients, whether those decisions were correct or not. And he defied any man to point out a single case where the correctness of them had been doubted, in which he had not expressed his gratitude to the party who suggested the doubt. If persons acquainted with the practice of his court had made upon his conduct the observations which had been made upon it by those who were totally unacquainted with it, he should indeed have felt them acutely: but he was happy to say, that those observations did not proceed from those who had the best opportunities of marking his conduct. They came from those who knew little or nothing of the subject—who had scarcely ever put a foot into his court; and who were not therefore particularly well qualified to judge of its proceedings. He would add, that, upon that very account, they were bound, in common honesty, to abstain from throwing out random insinuations, which were calculated to hurt, in the opinion of the king's subjects, an individual, who, if he was not a great judge—and he did not venture to call himself a great judge—at least filled a great judicial situation.—Having said thus much regarding the doubts and hesitations with which he had been taunted, he now came to the subject more immediately before their lordships. The bill then before the House ought not to be considered with reference to the present lord chancellor, but all future lord chancellors: And it appeared to him, that however sedulously they might attend to their judicial duties in that House—and he could assure their lordships, that whether in office or out of office, he would always attend in his place, whilst strength was left to him—no reform that their lordships might make in their own judicial regulations would effect much good, unless a very great change were, at the same time, made in those of the Court of Session. It was the peculiar happiness of the people of England, that they had a system of law, no matter how it had been constructed, and an administration of justice, superior to that of any other country. The division of the courts of law from the courts of equity was so admirable, and at the same time so necessary to the administration of speedy justice, that until something like it were established in Scotland, it would be impossible for their lordships to do enough, whatever alterations they might make in their appellate jurisdiction. In making this observation, he did not mean to reflect either upon the learning or the judgment of the members of the Court of Session—by no means. It was the system of which he complained, not of those who administered it. So involved and complicated was it, that it was almost impossible for any man who perused the different papers in a Scotch appeal, to discover what the point was, about which the parties were quarrelling. Here the learned lord entered into a description of the manner in which the papers of a Scotch lawsuit increased in its different stages; first from the summons to the memorial; then from the memorial to the answer, in which a distinguished Scotch advocate had confessed to him, that it was the practice to insert any thing and every thing the party chose; and then from the answer down, through all the intermediate stages, to the decree, by which time the papers were swollen into an immense mass.—The learned lord then proceeded to complain, that when the judges in the court of session gave their decision, they merely stated the nature of it, without explaining the reasons on which it was founded. Hence it happened, that it was frequently not satisfactory to the party against whom it was given; and it was a fact that was undeniable, that appeals were often made from Scotland to their lordships, in order to discover the reasons on which the judgment rested in the courts below. He had once thought, that the establishment of a court of error in Scotland, by calling in all the judges to review the case which had been decided by a portion of them, would tend much to diminish the number of Scotch appeals. He had been since told, that such was not likely to be the result of it. Indeed, one objection that had been made to it was the expense. But he could not see how it applied, since at present an appeal could be made by reclaiming petition from one division of the Court of Session to another; and the only difference which his plan would have made would be, that the appeal would be to the whole court instead of to a part of it. He had, however, abandoned that idea; and he now said to noble lords, with regard to the plan contained in the bill before the House, "If it be not the best, have any of you any thing better to propose? If you have, propose it; if you have not, examine whether this plan be not better than your existing system." He believed that one noble lord had suggested, that it might be expedient to take away from their lordships all Scotch appeals. If that could be done constitutionally, it might be well; but he was afraid it could not. He had now been conversant in Scotch causes for forty years. Whilst at the bar, he had been counsel in many of the most important of them: whilst he was Chief Justice of the Common Pleas, he had attended regularly when they came before the House; and he thought that since he had been chancellor, nobody could justly charge him with treating them with negligence. Experienced as he was in them, he would say that they occupied his attention, not only while hearing them in that House, not only during the intervals when he was enabled to detach his thoughts from the cases he had heard elsewhere, but also during many a night which their lordships had devoted to much more interesting pursuits. With that experience to direct him, he again said that the remedy for these numerous appeals must be administered in the courts below in the first instance, and in that House in the second. Without some such remedy, it would be quite impossible that those of them which happened to be in arrear, could ever be overtaken. The learned lord then asked leave to offer a few observations to the House upon the court of Chancery, in which he trusted their lordships would not so much consider him the person presiding in that court, as an individual peer declaring his opinion upon a point in which the whole nation was interested. He believed it was a generally admitted truth, that the greater attendance a judge gave to causes, the more causes he had to attend to. Now, under the present increase of business in the court of Chancery, it would be quite impossible for the lord chancellor, if he only attended to it three days in the week, to perform the duties of his situation, in any manner at all adequate to their importance. The question then was, what relief could their lordships give to the individual who filled that distinguished office, in the discharge of his two-fold duties—he meant those in the court of Chancery, and those in the House of Lords, as its Speaker? He believed that if the constitution would allow of it, the best thing that could be done would be, to prevent the Scotch causes from coming into the House of Lords at all; but as, according to its constitution, that could not be done, the next best thing for their lordships to do, would be to try the present experiment. For his own part, he thought it would fail: but still, on account of the great interests involved in it, it was only due to the country to try it. The learned lord then alluded to the projects which had been started for dividing the duties of the lord chancellor. One of them was to prevent the office of lord chancellor, and that of Speaker of the House of Lords, from being ever vested again in the same person; and another was, to abstract from the lord chancellor part of the duty which he was now in the habit of performing. With regard to the first of these projects, he would assert, now at the close of his official life, that which he would not have ventured to assert so positively at its commencement—that he had never known any man in the profession who had not deprecated the separation of the two offices of lord chancellor and Speaker of the House of Lords. Against that project, therefore, he opposed, not merely his own individual opinion, but the collective wisdom of an acute and intelligent profession. With regard to the second, it became necessary to consider, what part of the business of his court they would take from the individual filling the office of lord chancellor. He believed it was proposed to take away one of these three divisions of its business—cases of lunacy, the appellate jurisdiction, and bankruptcies. He would begin with the last of these. He had understood, that it was the opinion of some distinguished characters now no more, and for whom he felt the most profound respect, that the bankruptcy business at least ought to be abstracted from the lord chancellor. From that opinion he dissented most widely; and to any attempt to carry such a scheme into execution, he would always say no.—The learned lord then stated his reasons for this dissent, and afterwards proceeded to remark upon the appellate jurisdiction; but in so low a tone of voice as not to be audible below the bar. With regard to lunacy cases, in which there was an appeal from the decision of the lord chancellor to the privy council, and in which he was sorry to say that, of late years, there had been a great increase, he was of opinion, that nobody who was acquainted with the subject would wish to remove them from the jurisdiction to which they belonged at present. These were the principal observations he had to make to their lordships on this question. He hoped that in making them he had not said any thing that was personally offensive to any noble lord. He could assure their lordships that such had not been his intention; but it was impossible for him always to remain silent when he was taunted about his doubts and hesitations.

Earl *Grosvenor* said, he had never intended to impute to the learned lord, want of acquaintance with the law of the land. His great and unrivalled knowledge of it was so universally acknowledged, that it would be absurd in any man to deny it. With regard to the doubts and hesitations of the learned lord, which upon a former occasion the learned lord had admitted with the utmost good humour, he must observe, that he had never doubted that they arose from the learned lord's conscientious anxiety to do equal justice to all parties. If, however, they led to greater delays in a court which was already proverbial for its dilatory proceedings, he could not help considering that to be an unfortunate circumstance, not only for the suitors in it, but for the country at large.

The Earl of *Aberdeen*, after complimenting the lord chancellor upon his profound knowledge of the law of England and his unwearied patience in administering it, proceeded to vindicate the law of Scotland from the reflections which the learned lord had cast upon it. It was not a rude and barbarous system of law, but a system founded on the wisdom of the most civilized nation of antiquity—a system received by most of the nations of Europe, and one which required quite as much research, talent, and ingenuity, as that perfection of human reason, the law of England. The number of appeals from Scotland had increased very much of late years; and a circumstance had occurred within the last year, which he thought was likely to increase it even still more. In the year 1784, a case had been tried by the Court of Session, and after it had been argued by the most able men at the bar, had been unanimously decided upon by the judges of that day. The judgment was not disturbed until the year 1818. The case was then reheard by the Court of Session, and again the judges came unanimously to the same decision as before. An appeal was presented to this House, and, strange as it might appear, it was however not less true, that by its authority the unanimous decisions of the Court of Session on two different occasions were rescinded. After contending that the knowledge of such an event would encourage those who felt themselves aggrieved by any judgment of the Scotch courts to appeal to their lordships, he proceeded to object to any attempt to separate the office of the Speaker of the House of Lords from that of lord chancellor. He objected to it on two grounds:—first, that it would tend to bring the House into contempt with the public; and second, that it would increase the evil which it was intended to check. The only remedy which suggested itself to him was, to remove the appellate jurisdiction, with respect to Scotland, from their lordships' House altogether. The learned lord seemed to approve of this remedy, if it were not objectionable on the ground of its being contrary to the constitution of the House; and the learned lord had added, that their lordships had no right to disencumber themselves of that duty. Now, he would maintain, that their lordships had the right to remove that duty from themselves if they pleased. The noble lord then went into a series of arguments to prove that this right was in their lordships; and amongst others he urged, that in the act of Union with Scotland, there was no mention whatever of the right of appeal to their lordships' House. That right he, therefore, contended might now be refused without injustice.

Lord *Melville* contended, that the recommendation of their lordships' committee was not for an alteration or remodelling the constitution of the House. That which they recommended was quite consistent with the practice of their lordships. The same objection might be made to the appointment of a lord-keeper to preside in the House, or to the temporary presidency of a deputy Speaker in the absence of the lord chancellor; which deputy Speaker their lordships knew might be a commoner. The clause which made it compulsory on peers to attend to these appeals was, he thought, a very proper one. By such an arrangement, there would be a certainty of having the business despatched. The noble lord went on to contend, that the people of Scotland possessed the right of appeal to their lordships' House, and that that right was essentially recognized by the act of Union. The fact was proved by the constant practice of Scotland in sending appeals from that hour up to the present; and the result of the exercise of that right had given great satisfaction to the bench, the bar, and the whole population of Scotland.

Lord *Holland* said, he did not object to the first part of the recommendation of the committee, but should strongly protest against the resolutions. He did so on two grounds; first, because he understood that by them the noble earl imputed to the constitution of the House a defect which he did not admit; and secondly, that they threw out imputations on the negligence of noble lords, which they did not deserve. Let their lordships look at the manner in which this proposal came recommended to them. The learned lord on the woolsack had said, he did not think this the best plan which could be devised —"but," added the learned lord, "let any noble lord point out a better." This was certainly rather a strange recommendation. A committee of their lordships had been appointed to devise some remedy for the alleged inconvenience, and then, after producing one, admitted not to be the best, they called on their lordships to devise a better. What would any of their lordships think, if, having given his cook orders to provide a dinner, and a bad dish were laid on his table, he was to be asked by the cook whether he himself could provide a better? But this was exactly their lordships' case. The cooks to whom they delegated the power of preparing the dish before them, did not recommend it; but asked their lordships "if they could dress a better." Such as it was, he strongly objected to it. He would not allow that a commoner should preside there, to dictate and administer the law in their lordships' name. But he was told that, according to the constitution of their lordships' House, a commoner might now be placed in the same situation. It was but a weak defence of the proposition, to rest it upon an accidental defect in the constitution of the House. It reminded him of the answer given by Mr. Burke to a gentleman who was objecting to the complaints of the Americans—that they had taxation without representation: the gentleman observed, that the Americans had virtual representation, and that in that respect they were not worse circumstanced than the people of many parts of England. "That," said Mr. Burke, "is pointing out to them the shameful parts of your constitution, and telling them to look up to those with respect." It was the same case here. Their lordships were now telling the Scotch people to look up to what was a defect in the constitution of their lordships' House, and be contented with that. The noble lord then went on to contend, that the Scotch people had the right of appeal to their lordships, and that it would be an act of injustice to fritter it away, by sending them to a sort of tribunal, which, acting in their lordships' name, could not be said to give its decisions as those of the House of Peers. The people of Scotland were satisfied with the manner in which justice had been heretofore administered to them, but they would not be satisfied with this new species of justice. Would they not justly say, if this innovation upon the constitution of the House of Peers were to be carried into effect—"Why do you give us an inferior article of justice, and keep the best for yourselves? All the appeals from English and Irish courts are to be decided in the usual way by your lordships; but our appeals are to be pronounced upon, and decided, by an inferior tribunal, though acting in your lordships' name?" Such a course, he would contend, would shake the confidence of the people of Scotland in the administration of justice. They had hitherto been satisfied with the decisions in their causes, because they looked upon them as the decisions of the House of Peers; but they would not so respect the decisions by the proposed novel tribunal. When he considered the situation in which their lordships would be placed with respect to the proposed new deputy president in Scotch cases, and the situation of the deputy with respect to them, he was strongly reminded of the words of Shakespeare in describing the *ne plus ultra* of human folly, Justice Shallow and his assistants—"They, by observing him, do bear themselves like foolish justices; he, by conversing with them, is turned into a justice-like serving-man." He could not consent to the placing on the Journals of their lordships' House, a resolution which would point out a defect in the constitution of their House, which he could not admit. He would contend, that, by the 19th article of the Union, the right of appeal to the House of Peers was admitted to Scotland. If their lordships were to have any change he did not see why (though he would not recommend that or any other alteration in their present constitution) they need have a commoner to preside. Why could they not select a competent person from their lordships' house? It would be a degradation to them to look for such a president out of their lordships' own body. For these reasons, he should decidedly oppose the resolution.

The debate was then adjourned till tomorrow,

HOUSE OF COMMONS.

Friday, June 30.

PRIVATE MADHOUSES.] Mr. Hume presented a petition from Mr. John Mitford, praying for an inquiry into the state of Private Mad-houses. The petitioner stated, that he had himself been confined in one of these institutions, and that he had lately published a book describing the abuses which existed in them. To obtain materials for this book he had visited a variety of private lunatic asylums: but at those of Mr. Warburton, he had been refused the means of information which he wanted.

Mr. *Hobhouse* said, he had himself communicated with one or two persons who had been confined in private mad-houses; and, from all he had heard, he thought the subject worthy the attention of parliament. The system of private madhouses was peculiarly calculated to open the door to most iniquitous offences, and unfortunately, the most difficult of proof. In his opinion the true course would be to put them down altogether; or to increase the public establishments at least to such a degree as should tend to diminish their number. The trade was a highly lucrative one. Individuals kept, in many cases, several establishments. Mr. Warburton was the proprietor of two or three different houses.

Mr. *Brougham* said, that private mad-houses were establishments almost necessarily open to abuse; and where abuses did exist, it was most important that they be hunted to detection. At the same time justice was due to a number of highly respectable medical men, who were proprietors of houses of this description, and among others, to Mr. Warburton, with whom he was professionally acquainted. In the course of his legal practice, he had frequently seen Mr. Warburton examined in courts of justice; and his character stood equally high, both for medical skill and for humanity. Now it appeared that Mr. Mitford had himself been confined in a mad-house as a patient; and it should be recollected that a man might sufficiently recover from an attack of insanity to be discharged from confinement and yet not be in a state to appreciate, dispassionately, the very treatment which perhaps had been conducive to his cure. It frequently happened, that actions were brought against the keepers of lunatic asylums by people who had recovered under their care. One word as to Mr. Mitford. He had spoken of himself as the author of a book on the subject of mad-houses; and certainly he was the author of as scandalous a publication as ever had issued from the press. The work in question was filled with the most slanderous anecdotes, and with details too disgusting to be repeated; and the names of persons of high respectability, and even of young ladies of rank, who had been visited with that dreadful malady, the privation of reason, were treated in a manner deserving the severest reprehension.

Mr. *Peel* saw no ground in the present case for establishing an inquiry. To suppress private mad-houses, would be to create an evil greater than any which such a course could remove. Confinement in a public institution, under any circumstances, would always appear to many a very severe infliction; and the attempt to abolish private mad-houses would inevitably lead to the confinement of lunatics in private houses—an arrangement under which every facility to abuse would be increased. Upon the petition before the House, he would only say thus much—that a variety of statements had been presented to him, in his time, by persons, sane to all appearance, complaining of abuses practised in mad-houses; he had examined into these statements over and over again, and he had, in almost all cases, discovered that they were without a shadow of foundation.

Mr. *Bennet* confirmed the statement of the right hon. gentleman opposite, as to the very slight degree of reliance due to the accounts of persons who had been insane; but he thought, notwithstanding, that further regulations in private mad-houses were necessary. Upon the point however, altogether, he confessed he entertained little hope; for, so long as certain persons in another place systematically opposed every thing tending to a reform in the law, there could be little expectation of any advantageous change, until Providence should be pleased to remove them from their situations. With respect to the petition, he had seen Mr. Mitford, and thought that he certainly appeared in his senses at present; he made some assertions which he (Mr. B.) knew to be untrue. He trusted that Mr. Warburton would prosecute the publisher of Mr. Mitford's book.

Mr. *Wynn* observed, that this subject was well worthy the attention of parliament. It had formerly been much considered; and three bills had, at different periods, been sent up from that House to the Lords, relative to the inspection of houses of this description, which, he regretted to say, had not been passed. He should be extremely sorry if any proposition were brought forward, similar to that spoken of by the hon. member for Westminster; because he believed that, though abuses might exist in some of these establishments, they were, on the whole, well conducted. There was little chance of patients being restored to their senses unless a certain course of treatment were adopted; and with that view, it was better that they should be taken care of in houses exclusively appropriated to the reception of persons labouring under this malady, than that they should be placed in private lodgings, and intrusted to the keeping of individuals who were not conversant with the disease. Persons ignorant of the treatment which should be extended to insane patients, frequently gave them medicines and bled them, for the mere purpose of reducing their strength.

Ordered to lie on the table.

SCOTCH JURIES BILL.] Mr. Kennedy having moved the third reading of this bill,

Lord *Binning* opposed the motion. The

system, he admitted, required change; but not such a change as was contemplated by this bill. It was a puerile species of legislation, to come down with a measure, not absolutely to do away with a certain power, but to cast a slur on the manner in which it was exercised. He felt strong objections to nominating the jury by ballot. The hon. member for Knaresborough had, on a former evening, said a great deal about the advantage which would be derived from nominating the jury by chance; and he had alluded to the mode of appointing committees of that House, which was done by ballot. He (lord B.) looked upon that to be the very best mode of appointing committees in cases of contested elections, &c. But, would any man like to go to trial before a jury so formed? Several petitions had been presented on this subject by the hon. member for Aberdeen, who had prefaced their presentation with speeches which reflected on the way in which the law was administered in Scotland; and his noble friend (lord A. Hamilton) had cast reflections on the judges, to whom h attributed motives of a personal nature. Now, as he considered all those insinuations to be unfounded, he looked with great jealousy at every measure which seemed to throw a slur on the judges; which the present bill did; since it took from them a duty, which they had exercised from the time of Charles 2nd; and which had heretofore been acted on for the benefit of all parties.

Mr. *Abercromby* said, that the noble lord, in opposing this bill, had not stated his real objection, which could only be guessed at. The noble lord was adverse to the appointment of juries by ballot, because it would be a matter of blind chance. Now, it was for that very reason that he (Mr. A.) approved of it. To him it appeared to be, as it would depend entirely on chance, the fairest mode that could be proposed for nominating a jury. He could not argue this point, since the noble lord had advanced no reason for his opposition. All he said was, "I don't like this proposition, and I won't agree to it." The noble lord admitted that a change was necessary. If that were the case, then the question was, how it could be effected. The present measure had been considered in the committee as the best that could be devised; and he should like to know why the noble lord had not urged his objections on that committee. No objection was, however, offered to the bill in the committee; and therefore he contended that the noble lord was now too late with his opposition.

Mr. Secretary *Peel* said, that the present bill could not pass on such argument as that of the learned gentleman's, which had nothing to do with the measure, but was in fact an *argumentum ad hominem*, directed against his noble friend. The question was—whether the alteration which it was proposed to make in the administration of the criminal law of Scotland, by this bill, was or was not a wise one? He had very serious doubts of the wisdom of passing this bill; and he believed, that before two sessions had passed, the hon. member would be an advocate for the amendment of his own measure. The jury-books were made up alphabetically; so that before they could proceed to the letter B, they must exhaust all the names under the letter A, and the whole jury might be composed of Abercrombies [a laugh]. Now the having an entire jury of the same name might, in cases of assault, or offences growing out of ancient feuds, have a very bad effect. He thought that there were to be found considerable difficulties in the way of carrying the bill into effect. He could not consider it prudent in the hon. member to attempt so considerable a change in the criminal law of Scotland by any bill brought in so late in the session, and with so very little opportunity allowed for the discussion of it.

Sir *J. Mackintosh* said, that by the admission of almost every one in the House who had spoken, the principle of judicial selection had been condemned. If any novelty were to be introduced, it must be founded either upon selection or upon a fortuitous mode of appointment. The right hon. gentleman himself did not approve of selection by the judges; and his hon. and learned friend near him had adopted that which he considered the most unexceptionable mode, that of ballot. The objections of the right hon. gentleman, as they went merely to possible difficulties, were of a nature so general, that no measure could be invented to which such objections might not be opposed. Having, however, admitted the impropriety of judicial selection, and suffered the opportunities to escape him of discussing the bill on the second reading, or of improving it in the committee, the right hon. gentleman, in proposing to put off the proper remedy, was proposing the continuance of an evil to Scotland which he himself did not justify, and which was generally reprobated.

Mr. *Canning* could not allow that his right hon. friend was bound to approve of this bill, because he disapproved of judicial selection; especially as he had opposed the second reading of it, and the committee upon it. For his own part, he disliked the present mode of selection by the judges; not because any thing improper had been, or could be alleged against it practically, but because he considered that mode unsightly, and unseemly in theory. But he by no means wished on that account to be considered an advocate for the ballot, to which he felt strong objections. He did not consider himself sufficiently acquainted with the details of the bill, to warrant him, considering the important measure it comprised, in giving his support to it. He thought the subject could not be safely determined upon until next session, when, if he found the objections removed, he would give his concurrence to some modification of the system which now existed.

The House divided: Ayes 60. Noes 55. The bill was then read a third time, and passed.

SCOTCH COMMISSARIES COURTS BILL.] The *Lord Advocate,* in moving that the order of the day be read for the third reading of this bill, took the opportunity of entering into an explanation of the object and provisions of the bill. He observed, that it was by no means intended to abolish by the bill the forty-three Commissary Courts, but to transfer the business of them to the sheriffs depute. This would be generally advantageous; as it would have the effect of allowing the cases of litigants to be tried nearer home.

Lord *A. Hamilton* complained of the manner in which the learned lord had conducted business in the present session, which was such, that bills arrived at their third reading, without any chance of an opportunity to any hon. member to deliver his sentiments upon them. The necessity under which the learned lord had just felt himself, of explaining the object of the present bill, on moving the order of the day for its third reading, was a striking illustration of the fact. With regard to the present bill, the learned lord had, on a former occasion, declared that the fault lay with him (lord A. H.). That he positively denied; and he appealed to his hon. friends near him, whether he had not sought most diligently during two months for an opportunity to give his opinion on a bill, which, as it was an original measure, ought to have been fully discussed in every stage. Was that a proper time of the session? was that a proper state of the House, in which to press a bill of so much importance? He could scarcely believe, that the only two ministers of the Crown present would be induced to give their support to such a measure. He did not think that the learned lord had followed the report of the commissioners in many material points; one especially with regard to the discretionary power of requiring fees. One of the offices, that of the Procurator Fiscal, was stated, both in the reports of 1808, and 1817, as proper to be abolished; but, notwithstanding this recommendation, a sum of 500*l.* had been given by an individual for that situation. Why was the sale of offices permitted in such a manner; and particularly, when the commissioners declared, that the office of Procurator Fiscal had long ceased to be of any practical utility? Another important point embraced in the bill, was the compensation given to persons deprived of offices by the abolition of the Commissaries. Now, in the report made in 1808, it was expressly recommended, that the right of compensation should be withheld from all persons who might, subsequently to that period, be appointed to those situations. Had this reservation been made in the present bill? He would here observe, that he was favourable to the object of this bill; although he was opposed to the mode in which it had been framed. He had himself last year moved for leave to bring in a measure of a similar nature, which he had afterwards withdrawn. But he could not help expressing his astonishment that the learned lord should suffer the evils which the commissioners complained of in their reports, to remain in existence from the year 1814 to the present hour. The government had been most neglectful of its duty, in allowing those evils to go on year after year, without applying a remedy. It was indeed true, that about three lord-advocates ago, if he might so express himself, a bill like the present was brought in and read a second time; but from that period till the year 1823 nothing had been done. And now, when the learned lord undertook to remove the evils, in what manner did he attempt to do so? The first step in this bill involved a principle which he could not conceive how either the learned lord or his majesty's ministers could sanction. It did not direct what other persons were to do in obedience to the legislature, but it gave authority to certain individuals in Scotland to legislate themselves, merely with this provision, that they were to have regard to the report of the commissioners. The main object of the bill was, to abolish the inferior commissary courts; and if the learned lord meant that the sheriffs and stewards should perform the duty of the commissioners, why did he not lay the expenses which would be thus incurred before the House? This course was recommended in the report of the commissioners; but instead of that, the learned lord delegated a power to the lords of the court of session to determine those expenses. With respect to the courts of the sheriffs, the learned lord there again delegated the power to legislate to the court of session. The regulations of those courts, instead of being framed by the learned lord in conformity with the recommendation of the commissioners, and embodied in the bill itself, were to be submitted by the sheriffs to the lords of the court of session for their approval. If, then, there should, on this point, be any difference of opinion between the sheriffs and the lords of the court of session, the present measure must prove abortive; for the only guide which the lords of the session had was, the report of the commissioners. It was true, that the sheriffs were to record those acts by acts of *sederunt*, but the learned lord ought to know, that the people of Scotland considered all acts of *sederunt* as encroachments, and therefore as obnoxious to their rights and privileges. The present bill, however, not only went to multiply those acts now, but to render them necessary in all times to come. Why had not the learned lord avoided this course, by first ascertaining the collective wisdom of the court of session, and submitting it to the House before he brought in his bill? The power of legislating would then be placed in parliament, and not delegated (as it now was) to the judges of an inferior court. A clause, indeed, was introduced by way of salvo, providing that a copy of the regulations made by the lords of the session should be laid before each house of parliament, before the expiration of two months after it next met, and that they were not to become law previous to that period. But why did not the learned lord obtain this information in the first instance, and embody it in his bill before its arrival at the present stage? There was another point to which he would call the attention of the House—he alluded to the mode in which compensation was to be awarded under the present bill. And here he could not help again observing, that if the right to compensation had been withdrawn from persons appointed since the report of the commissioners in 1808, there would, perhaps, be no claimant for it under the provisions of this act. But, laying that consideration aside, those persons were to have their claims decided by the barons of the Exchequer, who were to investigate their legality. Now, he could not understand what was meant by legality in that instance; for he denied as a principle, that any of the individuals in question had a right to compensation at all; and yet the barons of the Exchequer were to award each of them either a gross sum or an annuity, in lieu of the emoluments of which they were deprived. He would say, that the measure, though in its last stage, had never yet been discussed. In its present shape, he considered it discreditable to his majesty's government, and should vote against it.

Mr. *K. Douglas* hoped the House would not be induced, by what had fallen from the noble lord, to reject the present bill. Some of the noble lord's objections, however, were not unworthy of attention. As to the measure itself, it was of great importance to the people of Scotland. The districts, under the jurisdiction of the commissaries, were so extensive, that the revenue was, in consequence, defrauded to a large amount, and the administration of justice generally obstructed. The persons, too, who held the situation of commissaries were not bred to the law, but were mostly country gentlemen; whereas, the sheriffs appointed to discharge their duty by the present bill, possessed legal knowledge, and were thus qualified for the office. The hon. gentleman then proceeded to mention the other evils which the measure was intended to remedy, and concluded by giving it his support.

Mr. *Kennedy* objected to several clauses of the bill. One of these transferred the duties of the commissaries to the sheriffs, who were enabled to depute their power to their substitutes, who again were to do the duty without granting them any additional remuneration. He could not allow that opportunity to pass, without observing that sheriff substitutes of Scotland were a very respectable body of men, but very ill paid; and he hoped that their situation would soon be considered in the proper quarter, and that a provision would be made for them, more suitable to their station and the various important duties which they had to perform.

The *Lord Advocate* concurred in what had been said by the hon. member, with respect to the respectability of the sheriff substitutes, and was anxious that a suitable addition should be made to their incomes; but the hon. gentleman must be aware that it rested with the treasury to give that compensation.

The House divided:—Ayes 56. Noes 21. The bill was then passed.

ROMAN CATHOLIC ELECTIVE FRANCHISE BILL.] Lord Nugent moved the order of the day for the further consideration of the report upon this bill, with the intention of recommitting the bill. The House then resolved itself into the said committee. Upon the chairman reading the first clause,

Mr. *Bankes* regretted the necessity he was under of opposing this bill, because he felt that its object was, to confer political power, and not a mere qualification for office. He could not see the distinction between the franchise of electing and that of being elected. If parliament chose to extend to the Catholics the one, they ought also to grant them the other, and at once concede the privilege of representation. The hon. gentleman then cited the authorities of dean Swift and Burke, to prove that it was absurd to suppose, that one political concession could be made by such a government as ours to Roman Catholics, without all other concessions in church and state following as matters of course. He understood it to be a favourite proposition with some hon. gentlemen, that the numbers of those professing, and not the truth of the doctrine, ought to determine what the religion of a state should be. According to that proposition, therefore, the religion of the state in Ireland ought to be Roman Catholic, seeing how numerous were its followers. But, was it meant to be said, that no attempt was to be made to advance the Protestant faith, merely because of the comparative paucity of Protestants; or were greater facilities to be given to the Roman Catholics to advance theirs? The whole argument, however, stood in a singular dilemma. On the one hand, the numbers of the Irish Catholics (and they had of late certainly increased), and on the other, the paucity of English Catholics, were adduced in support of the claim for an extension of their privileges. Now, the evils of the enormous population of Ireland were on all hands admitted; but he would appeal to hon. gentlemen, whether any one thing so much tended to create those evils, as the fatal measure of increasing the forty-shilling freeholders in Ireland, a measure which had caused infinite and ruinous subdivisions of property? The hon. gentleman then alluded to the notorious existence in Ireland of an establishment of the order of Jesuits—a sect renowned in all history for their energy, their zeal, and their perseverance in the work of proselytism—an order the more dangerous for being generally appointed to superintend the education of youth, and the destructive tendency of whose tenets had caused their expulsion from every territory in which they had settled. The fact of their re-establishment in Europe, and more especially the alarming fact of their existence in the sister kingdom, ought to induce the House to pause, before they did any thing which should encourage the hopes and foster the pretensions of the decided enemies of the Protestant church. For the concessions which the House was now called upon to make, he had heard no one adequate reason adduced. Against them he saw many, and should give his decided opposition to the bill.

Mr. *Hudson Gurney* thought the speech of the hon. member for Corfe Castle had little relevancy to the bill before the House. His argument went to the danger of granting to the Catholics an increase of political power. Now, the number of Catholics which by this bill would be admitted to vote was so very inconsiderable, that the influence of Catholics over elections could hardly be perceptibly increased by its passing. Mr. G. said, that he had once been in a borough where one Catholic had been prevented from voting, but where the influence of a Catholic lord in the neighbourhood had been sufficient to decide the return. In counties it was much the same. Catholic landlords of ancient families and ancient possessions had great influence; but the votes they would carry were votes of Protestants. As to the anomaly of persons being able to vote for members of parliament who were disqualified from sitting in that House, it was the case with the whole body of the clergy; and he did not conceive that his hon. friend opposite, the member for the University of Cambridge, could be greatly shocked with this equal inconsistency.—Mr. G. regretted that the noble lord had been prevailed on to except Scotland from the operation of his bill. The Catholic heritors there were very few, but of the highest respectability. The words of the act of Union which had been quoted, appeared to him to bear as much upon the question as the union between the Scots and the Picts. And, at least as one proof that the spirit of John Knox was not to be attributed to the whole church of Scotland in these days, it was a curious fact, that, after the failure of the negociations at Chatillon, when the plenipotentiaries, assembled there, put in their demand to the French government that the pope should be restored in entire liberty to his full powers, the instrument was signed but by one Catholic, and by two Scotch Presbyterians.

Mr. *W. Peel* supported the bill, but protested that he would not go one iota beyond its provisions, in the way of concession.

Mr. *J. Smith* said, he well knew that the hon. member for Corfe Castle was generally opposed to all concession, under any circumstances, to Roman Catholics. Now, if he (Mr. S.) were called upon to point out any one body of men, whose political and moral conduct had been for ages most irreproachable, he should turn to the English Roman Catholics. He was extremely averse to inflicting any penalty upon men for their religious opinions: and he could easily instance the folly of such a policy. He had the pleasure of knowing a great many individuals among the society of Friends, called Quakers: a body of men more excellent, more upright, and of greater correctness in all their dealings, could not be named. This character was generally admitted to them; and yet he wondered how they had existed so long in this country, seeing how opposite their maxims of policy and religion were to our own, and how much Roman Catholics had suffered from a similar cause. Their doctrines were at total variance with the first principles of civil society; for it was part of their creed, that when they were smitten on one cheek, they were to offer the other: and when an enemy came, that they were to make no resistance: yet for a man to speculate on this passive principle would be a somewhat dangerous experiment. He remembered an instance, in which an ostler in an inn-yard, supposing he might be so with impunity, had been extremely insolent to a Quaker, whom he abused in the most vehement terms. The Quaker, with much deliberation, observed to him —"Though I am forbidden to strike thee, it may be good that I should cool thy passion;" and so saying, he deposited the refractory ostler in a horse-trough full of water; having held him there for about five minutes, he let him go, with this admonitory remark :—"Friend, I hope that thy heat hath now left thee." As preposterous as was this fellow's speculation on the habits of the Quaker, were the prejudices entertained against those whose religious observances did not accord with our own. It was upon their conduct, and not upon their principles, that he would try the English Catholics. Their conduct had been uniformly such as entitled them to the protection of the House; and he therefore felt it his duty to support the present measure.

Mr. Secretary *Peel*, although opposed to the general measure of Catholic Emancipation, was ready to support the bill before the House. Nothing which had fallen from the hon. member for Corfe Castle had convinced him, that there was any danger in the measure; or that he should compromise, by voting for it, any principle which he had heretofore professed. He could not see by what process, upon granting the elective franchise to the Catholics, he was at all bound to grant them the further right of sitting in parliament. In fact, the two privileges, as it seemed to him, had no connexion at all with each other. The hon. member for Corfe Castle said—"This measure gives us in England a class of men who may make members of parliament, but who cannot become members of parliament themselves." Why, what was there new in this? From the different rights attaching to different kinds of property, there were already thousands of men in the country, who could vote for members of parliament, and yet could not sit in parliament themselves; and *vice versâ*, there were many who were competent to sit in the House, who had not, nevertheless, the qualification for voting. Again, as the hon. member for Newtown (Mr. H. Gurney) had stated, there were the clergy of England, a whole body of individuals who were excluded by law from being elected to parliament, although they possessed, or might possess, the elective franchise. As for danger in the present measure, he saw none; and he denied that it bound its advocates to support any ulterior measure. The Catholics of England were few in number; and even taking Lancashire, the county in which their party was strongest, he did not believe that they would have influence enough to return a single member to parliament. There was nothing in the ancient law of the country, to oppose the grant of this cession to the Catholics; nothing anomalous in granting it. The law of exclusion at present was one of the very worst character. Its enforcement depended upon the pleasure of individuals, who could never make use of it upon public grounds, or upon principle; because the individual who barred the Catholic from voting was always the party against whom he was going to vote. If the exclusion were to continue, he would prefer seeing the *veto* made absolute, to leaving the law in its present state; but, as he thought that one admission could do no possible mischief, and that much advantage would accrue out of that community of feeling between Catholic and Protestant which the bustle of an election would produce; he should give his hearty support to the measure.

General *Gascoyne* entertained the highest opinion, personally, of the English Catholics; but looked upon the measure before the House as part only of a new system. He could not help regretting the support given to it by the right hon. Secretary, and thought that the opponents of Catholic Emancipation generally would differ from him decidedly in opinion.

Dr. *Lushington* supported the bill, and warmly expressed his feelings in favour of the Catholic generally.

Lord *Binning* was happy to join in an act of rather tardy justice. He wished that the Catholics of Scotland had been included in the measure. As the exclusion of that class, *eo nomine*, was guaranteed by the act of Union, he had not pressed for their admission, lest the bill before the House should be lost. At the same time, although he would touch the Union, and matters connected with it, with all the caution and respect which he felt for it as a Scotchman, still he could not think it right that it should be permitted to perpetuate against any class a course of injustice and oppression.

Mr. *Gooch* said, he knew many Catholics who were loyal and respectable men; but he must oppose the removal of the restrictions placed on them.

Mr. *Smyth* said, that he had come down to the House, intending to vote against the bill, but had been converted by the speech of the right hon. Secretary, and should support it.

Mr. *G. Bankes* said, that the suggestion of the noble lord (Binning) sufficiently proved that the concessions to the Catholics were not to stop at the present measure. He heartily wished that the right hon. Secretary might not live to regret his assent to it.

Mr. *W. Smith* saw no possible danger to be apprehended from the bill; and hoped to see the time when its own feeling of justice would carry the House to ulterior measures.

Mr. *Butterworth* declared, that he could not consent to the measure then before the House. If parliament granted the boon now called for, it would be the first step towards making still greater concessions to the Catholics. They would not rest satisfied here, but would demand still greater privileges. To prove the truth of his assertion, he need only refer to the fact, that when the elective franchise was extended to the Catholics of Ireland, they soon began to claim more extensive privileges. He could not agree that those rights contemplated by the bill should be granted to them, because he considered the principles of the Catholics not to have undergone any change. The fears which were formerly entertained of the Catholics were as well founded now as they ever were. The same intolerant spirit still prevailed amongst that sect. So much were the intrigues of particular orders among them dreaded, that the Jesuits had been suppressed in every part of Europe. In the late settlement of the kingdom of the Netherlands, the monarch wished to extend the privileges of the Protestants; but the Catholic bishops complained against the adoption of any such measure, as trenching on the prerogatives attached to their religion. He was a sincere friend to religious freedom, and therefore he opposed this bill.

Mr. *Hume* rose to protest, in the strongest manner, against the species of argument made use of by the hon. gentleman who had just sat down. Such observations were unfit for any man to make; but as the hon. gentleman was himself a sectarian, and enjoyed all the benefits of toleration, he was doubly criminal in harbouring sentiments so intolerant. The hon. gentleman had expressed his dread of the Jesuits; but he would tell the House, that there was a class of Protestant Jesuits who were much more to be feared. The church establishment had much greater reason to apprehend danger from the sect to which the hon. gentleman belonged than from the Catholics. There was not a point that could be favourable to their interest, or by which they thought they could undermine the established church (notwithstanding all their declarations of devotion to it), that they did not, most assiduously, endeavour to gain. He looked upon the Methodists to be the Jesuits, above all others, from whom the church of England had most to apprehend. It was quite clear to him, from the observations made by the hon. gentleman, that it was impossible that he could have a particle of tolerant spirit in his breast. The whole of his speech breathed nothing but persecution. He again asserted, that the government ought to look after the Methodists, instead of the Catholics. For the last fifty years they had shown themselves most anxious in making proselytes, and most assiduous in their hostility to religious liberty; and he must say, that he believed no Roman Catholic had ever expressed such intolerant opinions as the hon. gentleman had uttered that night.

Mr. *Butterworth* said, there was no necessity for him to defend himself against the attack of the hon. member. The sect to which he belonged was highly complimented by the censure of a gentleman who had defended the principles of Carlile in that House.

Mr. *Hume* said, if the hon. member attended to facts, it would be much better. He had never defended Mr. Carlile's principles. The statement was not true [Hear].

The Chairman said, that the hon. member was undoubtedly proceeding in a strain of personal invective.

Mr. *Hume*.—If the hon. gentleman stands up and asserts that which is not true, I have a right to contradict him. I declare that the hon. member has made an assertion with regard to my conduct which is not true.

The committee divided: For the motion 89. Against it 80. The bill was then reported.

HOUSE OF LORDS.

Tuesday, July 1.

Appellate Jurisdiction.] The adjourned debate on the Resolutions respecting the Appellate Jurisdiction being resumed,

Lord *Colchester* said:—My lords; having been placed in the chair of the committee, whose report is now under your consideration, I wish to offer some observations upon the important subject to which it relates. The subject itself, as your lordships have seen, divides itself necessarily into two parts; first, the prospective measures which it may be fit to adopt, for preventing the future growth of appeals; and secondly, the measures of immediate arrangement which are indispensably necessary for disposing of the appeals now depending before us.

The prospective measures relate separately to Scotland and to England.

As to Scotland, from whence the large majority of appeals has flowed in upon us, and such as creates the whole of our present embarrassment, we have entertained little or no difference of opinion upon the possible benefit to be derived from rendering the forms of proceeding in the Court of Session more concise, and better adapted to separate matters of law from matters of fact; allowing perhaps in some cases an intermediate appeal in Scotland, and in other cases making the decision in Scotland final, but in no case bringing any questions but those of law to this House, as the supreme court of appeal in the last resort.

How far such improvements can be accomplished will, of course, require previous investigation by persons best qualified to judge of their nature and probable effects: and to establish a commission for that purpose is the object of the bill already presented by the noble earl who has taken the lead in calling the attention of your lordships to the present state of our appellate jurisdiction.

As to England, prospective measures have also been suggested, respecting the administration of justice in the court of Chancery, from whence the English appeals chiefly proceed, and with a view to the same end, though by means somewhat different.

The first of these measures, a revision of the practice of the court of Chancery, has, as I understand, already reached the first stage of its progress; and a complete report has been made to the noble lord on the woolsack, of all the regulations established from time to time by those who have heretofore holden the great seal; upon the foundation of which report, that noble and learned lord may, in conjunction with the other two judges of his court, proceed to make great improvements in the administration of justice in that court.

Another measure, more directly bearing upon the object before us, is to make the decisions of the court below final, in certain cases to be limited and specified.

Other measures also, for transferring particular matters to the cognizance of other courts and judges may be of great advantage, and chiefly by allowing to the lord chancellor more disposable time for the service of this House.

Some branches, however, of the lord chancellor's jurisdiction cannot be separated from his office, without great detriment to the public interest; more especially those of lunacy, bankruptcy, and his visitatorial authority; besides other high points of his jurisdiction, for which time must be always sufficiently provided.

But, my lords, whatever benefit may result from these prospective measures, it is manifest that they must be comparatively of slow operation; and we must at once enter upon some immediate arrangements for disposing of the mass of appeals now depending.

A larger allowance of time, for hearing appeals, is the first and most essential requisite; and to this, we doubt not, your lordships will accede readily; we could have wished to propose six days instead of three; but five appear to be quite indispensable.

With the necessity of a more frequent attendance, comes the necessity of enforcing that attendance; and we have conceived that a rota of three lords for each day, taken by ballot, is perhaps as convenient as any mode, and far better than leaving it to accident, or still worse to solicitation.

Still, however, there remains behind, the last and greatest difficulty;—namely, who shall preside in the house if the lord chancellor be absent; it being assumed that the chancellor's attendance in the court of Chancery cannot be dispensed with, for the time which the hearing of these appeals would require.

If that be assumed, there remains only to resort to the auxiliary commission which by the custom of parliament always exists; and to take for Speaker in the chancellor's absence, the person who shall be therein named; not as Vice Speaker or as Deputy Speaker, for no such title is given to him in these commissions, or in the Journals of this House: And such person, when called into use for judicial purposes, must, if a commoner, obtain from the House the permission to speak and deliver his opinion upon the case, if he is to become an efficient servant of the House for these purposes.

That such an expedient is practicable, I entirely concur with the committee in thinking; the authority of any person named in such commission to be Speaker is unquestionable; a memorable instance of this sort occurred in 1691, when lord chief baron Atkyns, sitting as Speaker to hear appeals, and a cause being called on in which he was a party, he withdrew; and the lord Halifax was elected by the House Speaker *pro tempore*, who heard that cause; after which lord chief baron Atkyns resumed his seat, and proceeded with the rest of the appeals. And according to our own standing orders* such a Speaker may, if a judge or privy-counsellor called by writ, be required and admitted by the House to speak and deliver his opinion. I allow that, according to our practice of putting abstract questions to the judges, it may be doubted (although according to the terms of the writ of summons, I think it could not be very reasonably doubted) whether such opinion may not also be given upon the case which actually awaits your decision. But at all events such Speaker will have the same powers in judicature, as have been exercised by all those commoners who have sat on the woolsack as chancellor or lord keeper of the great seal, for so many years, and in so many successive reigns. I should indeed mis-state my own individual opinion, if I stated this mode to be very convenient or very satisfactory; but I cannot doubt that it is practicable and conformable to the law and usage of parliament.

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* Standing Orders, 1660, No. 4.

And here, my lords, I might conclude the observations with which I have troubled you; but I feel that I should not discharge my duty to myself or to the House, if I did not proceed; for although I agree that the measure proposed by the committee, in this choice of difficulties, is perfectly regular and practicable, I do not think it the most beneficial or the most suitable which might be adopted.

The noble earl who moved originally for the committee, and who has first brought this report under your consideration, has stated, frankly and fairly, that his personal opinion would have been for sending all appeals upon Scotch questions of property to a tribunal of Scotch judges in Scotland; and his own high authority, I know, has the support of other authority greatly to be respected (lord Aberdeen); but, my lords, the noble earl also fairly admitted, that the prevailing opinion of those most acquainted with Scotland, had induced him to yield up that opinion, in deference to the alleged wishes of Scotland, that their appeals should be heard in England, and in the House of Lords.

Now, my lords, my opinion goes not only that length but further; and I cannot but think that the mode of hearing appeals most satisfactory to Scotland would be, not only in England, and in the House of Lords, but before the lord chancellor of Great Britain; and that, in the supreme court of appeal, the subjects of every part of the United Kingdom should continue to have their causes adjudged before the highest law authority in the realm.

But how can this, your lordships will naturally ask, how can this be accomplished? Upon what principle, and by what means? My answer is, upon the principle of reserving the highest judicial duties to the highest judicial office, and delegating those duties which are of inferior importance to authorities of inferior rank and degree; and the means for so doing are in the present case obvious; as the lord chancellor has in all times been accustomed to supply his place when absent from his own court, by the attendance of the Master of the Rolls, or by the standing commission of assistance, which enables him to call upon any one of the twelve judges, with the aid of two masters in chancery, to transact the judicial business of that court. No practice has been more frequent in all times; and most of us remember it for long periods of time, when lord Kenyon as Master of the Rolls, or Mr. Baron Eyre, or Mr. Justice Buller, sat successively in the court of Chancery to supply the lord chancellor's place. And I think it may deserve very serious consideration, whether, by either of these means, or by both combined, the business of the court of Chancery may not be well transacted on those days, during the session of parliament, upon which your lordships may require the assistance of the lord chancellor here upon appeals; and the business of chancery may be carried on even with less interruption by such judges, who are not liable to be called away to attend cabinets, or by the obligation of their personal attendance upon the sovereign.

Then as to the time of the lord chancellor's absence from his court. In every week during the session of parliament, which in ordinary years seldom extends to five months, he might be present in his court, for one day at the least, to hear those matters of special jurisdiction which require his personal authority; also during every adjournment of the House he would be free to resume his seat there; and for the other half year, during the recess of parliament, even after deducting the long vacation, he would have nearly half the juridical year for uninterrupted attendance in his own court.

"Stare vias super antiquas," is a safe principle upon most cases of policy; but upon none more than those which concern the accustomed forms of administering justice.

My lords, I have to entreat your pardon for troubling you thus at length upon this latter question; and the more so, as, although it is practically the most important of all, it does not come before you for your vote this day. It may, however, be well to weigh these considerations together, between this time and the next meeting of parliament, when the plan, whatever it may be, must at once be put into active operation.

The first and immediate question for your determination is, the number of days which you will think fit to give to appeals, whoever may preside; and I am persuaded that your lordships will agree upon the largest number which can be allotted, consistently with practical convenience.

Lord *Redesdale* said, that the accumulation of appeal business was not attributable to any delay which took place, but to the increasing population and wealth of the empire, and the consequent increase of litigation. The due superintendance of justice in that House had been of great importance in preserving the due superintendance of it in the courts below. He was convinced that it was the bad amalgamation of the Scotch feudal law with the forms of the Roman civil law, that had led to so many appeals from Scotland. That unnatural amalgamation had given rise to a protracted form of action, and to a mass of papers that had been well described on a former evening by his learned friend on the woolsack. Indeed, the lord president of the Court of Session had stated, that he was completely embarrassed by the accumulation of papers which came before him; and had complained that, after hearing cases during the day, he had to read during the evening a mass of documents amounting in the year to 27,000 closely-written pages. The committee had thought it right to issue a commission, to inquire whether any beneficial change could not be effected in the law of Scotland. He did not believe that the lieges of Scotland were so hostile to the trial by jury, as a noble lord had represented them to be. He was, however, of opinion, that the trial by jury ought to be administered by the Court of Session, and not by a separate court as it was at present. There would have been no arrear of appeals, if only the due proportion had come from Scotland; and therefore, if any method could be devised to prevent Scotch appeals from being brought before their lordships on points of fact, instead of points of law, no arrear would in future take place. The abstracting of the lord chancellor, for three days in the week, from the court of Chancery, must prove highly injurious to the suitors in that court; and it was a debt of justice which the people of Scotland owed to the people of England and Ireland, not to let the accumulation of their business prove a burthen to the suitors in the English and Irish courts of justice. If any of their lordships could find out a better plan than that which was under their consideration, he would willingly embrace it; but if they could not, he would advise them to try it; if for no other reason, at least for this—that half a loaf was better than no bread.

The *Lord Chancellor* said, that to a man in the vigour of youth and health, an attendance of five days in the week to the hearing of appeals would be a severe duty; but he believed that no one who knew the business, would undertake that duty, along with the heavy business of the other court.

Lord *Ellenborough* said, that the more they heard the opinions of the learned lords, the more difficulties presented themselves. It was said, that, from the impossibility of attending for five days a week to appeal cases, concurrently with attention to other important business, there must be a Deputy Speaker. Now, he would ask, were the Speaker and the deputy to hear cases at the same time, or alternately? If at the same time, then they might have two parties hearing causes, and giving, perhaps, different opinions on the same points, and each as the opinions of the House of Peers. But, the most important point was, was the Deputy Speaker to be a peer? If they were to have a commoner presiding over three peers who might hear one part of a case, and then over three others who might hear the next, and then again over three more, who might have to decide upon what they had only partially heard, great inconvenience would arise to their lordships, great dissatisfaction to the parties, and the character of the House of Peers, as a court of judicature, would be lost.—The noble lord went on to contend, that the compulsory clause would have the effect, not of increasing, but of diminishing, the number of days for hearing appeals. On the first day of the session, the names of all the peers were to be put into a glass, and the days of their attendance were to be fixed, according to the rotation in which they were drawn. Now, it was possible that the names of peers living at the most distant parts of the empire might be drawn for the first attendance. Then, time would be required to send a notice to that effect. So that three weeks would be lost, before the business of appeals could be commenced. Besides, it should be recollected, that many peers might rather prefer paying the fine, than submit to the greater inconvenience of coming at an early period so great a distance. Then, what would be the situation of the House? Witnesses and counsel would be in attendance at a vast expense; and even if one of the three peers were absent, no business could be done. He contended, that no advantage would be gained by this compulsory clause. But his chief objection was, to the appointment of a commoner as a Deputy Speaker, by which he contended their lordships' judicial functions would be compromised.

The Earl of *Rosslyn* argued in favour of the right of appeal to their lordships by the people of Scotland, and from thence the necessity of some measure by which the arrears of appeals might be disposed of. As to the objection against the presidency of a commoner, he maintained that it was without foundation, and cited several instances in which commoners had presided in their lordships' House for years. It was not, therefore, contrary to the constitution of their lordships' House, and their frequent practice, that commoners should be in the chair. But, even with the proposed alterations, he did not think their lordships could make any great additional progress in the despatch of the appeals before them. Still, something should be done; and he expected that a great deal might be done by some good alterations in the courts below. With respect to the compulsory clause, and the objection that three peers might have to hear a part of a case upon which three others who had not heard the whole might have to decide, he would observe, that there was nothing to prevent the peers who should hear the first part from remaining till the case was concluded. The objection, therefore, on this head, was without foundation.

The Earl of *Liverpool* said, that whatever might be done for the future regulation of appeals, it would be necessary to devise some plan to get rid of the arrears. The plan of giving five days a week to the hearing of appeals instead of three, would have that object. He had no objection to let the resolution stand thus:—The compulsory attendance to be temporary, and only until the arrears were reduced to 40 or 50, or any number to be agreed upon. Then, the question would be—if they were to have five days attendance, could the lord chancellor attend consistently with his other important duties? He thought not. Indeed, this was not denied on any side. Then, if the lord chancellor could not attend, there must be a Deputy Speaker to preside on these appeals. It was objected, that this Deputy Speaker might be a commoner; but if he were, their lordships would not be in any new situation; for, in the very best times of the constitution, commoners had presided in their lordships' House. Even in the present day, the practice was by no means unfrequent. The noble lord then repeated his former objection to the impolicy of dividing the office of Lord Chancellor, from that of Speaker of the House of Peers. In conclusion, he said, that though the proposed plan was not free from objection, it was the only one by which they could get rid of the load of business which had arisen from the accumulation of appeals. He then moved the first resolution, with the verbal amendment to which he had alluded.

Lord *Ellenborough* proposed, that only the names of the peers present on the first day should be put into the glasses to be drawn for attendance in rotation; by which means the delay which might arise from peers living at a distant part of the country would be avoided.

The Earl of *Liverpool* said, that after the first three resolutions were decided upon, he would postpone the consideration of the others to a future day, by which time would be given for further consideration.

The Earl of *Carnarvon* repeated the objections which he had made on a former night, against the establishment of a tribunal, where a part of the case only might be heard by those who might have to decide upon the whole.

The first and second resolutions were put, and agreed to without a division. On the third resolution, which went to make the attendance of peers compulsory,

Lord *Holland* said, he would not oppose the resolution on the ground that the House had not the power to make the regulation. He admitted it was consistent with the constitution of their lordships' House; but he doubted the policy of it. He did not think it would be equally efficient, as if peers were left to their own inclinations. The lords forced to attend might appear in their places, and answer to their names, and then leave the House, or, if they remained, they might refuse to vote, or to give permission to the Deputy Speaker to give his opinion, and thus the whole object would be defeated. He thought it would be better to leave the attendance to the honour, and sense of duty, of their lordships.

Their lordships divided: Contents 27. Not-Contents 11.

HOUSE OF COMMONS.

Tuesday, July 1.

British Museum.] The report of the committee of supply was brought up. On the resolution, "that 40,000*l.* be granted to his majesty, towards defraying the expense of buildings at the British Museum, for the reception of the Royal Library, and for other purposes, and for providing for the officers of the establishment of the said library, for the year 1823," Mr. Bankes moved, as an amendment, "that the same be paid without any fee or other deduction whatsoever." This was agreed to.

Mr. *Hobhouse* said, that the hon. member for Corfe Castle had objected to his hint about placing the royal library at Whitehall, that the banquetting-room was unsuitable for such a purpose, from its construction as to windows, and from the impossibility of making reading-rooms near it. Now, the banquetting-room at Whitehall was 115 feet long by 60 broad, and 55 feet high. It was the largest room in England except Westminster-hall, and would contain the whole of the collection in question. He had his information upon this point from a gentleman whose means of knowledge were perfect; and the words in which that information was conveyed were these—"The hon. member for Corfe Castle is as much mistaken as to the banquetting-room at Whitehall, as he was in supposing that marble could be burnt without the aid of a kiln." In fact, it was a little surprising how the hon. member had fallen into that mistake; because there was scarcely an ancient marble now remaining in the world, which had not been dug from some house or situation which had been consumed by fire. For himself, he still thought Whitehall incomparably the better place for the library; and was averse to spending money upon such a piece of patchwork as the British Museum.

Mr. *Croker*, on rising to move an amendment, expressed his general assent to what had fallen from the hon. member for Westminster. He thought the British Museum a very ill-contrived, inconvenient, insecure building, and wished very much to remove the Museum from its present situation. The library now in the Museum he was content to leave there; but, for the models and pictures, which ought to stand in the public eye and aid the public taste, Russell-street was not the proper place of deposit. If the House would build up the open wing of Somerset-house and suffer the models and paintings to be thrown open there, it would do that towards forming a public taste for science, which could never be effected by the mere purchase of the works themselves. The amendment with which he intended to conclude was one to which he imagined there would be no objection. He proposed to place the design and expenditure of the buildings, whatever and wherever they were to be, under the control of the lords of the Treasury. This was meant as no slight to the trustees of the British Museum; nor could it be considered as such. The buildings occurring in the departments of the Ordnance and Admiralty were subject to the control of the Treasury; and even the new London-bridge, towards which the public had only contributed 100,000*l.* was to be placed under the same direction. He would move as an addition to the words of the resolution, "but that it is expedient, before any such building shall be undertaken, that a general design, with plans and estimates, be prepared under the direction, and subject to the approbation of the lords of the Treasury, of a suitable edifice for the reception of the several collections of the British Museum; and that the works which may, from time to time, become necessary, shall be erected in conformity with such general design."

Sir *C. Long* thought the hon. member's amendment quite unnecessary. The trustees of the British Museum would never have thought of building with the public money, without taking the opinion of the Treasury. The right hon. gentleman proceeded to defend the building and arrangements of the British Museum, and declared that the entertainment which the House had derived from the address of the hon. member for Bodmin on a former evening, they owed to the fertility of his invention, rather than to the accuracy of his statements. Room was certainly wanted; for sir George Beaumont had offered his collection to the Museum, and it had been declined, for want of a place to put it in. The gallery of which the hon. gentleman had so bitterly complained, had been planned by Mr. Townly himself; and, with all due deference to the taste of the hon. gentleman, it was a matter upon which Mr Townly was likely to be, at least, as well instructed as himself. He should oppose the project for carrying the exhibition to Somerset-house. In the first place, he believed that there would not be space for the undertaking; in the next, it was evident that the cost of a building would be immense; and a further objection still was, that the foundation was a very bad one—so bad, indeed, as to be the reason why Somerset-house had never been completed.

Sir *J. Yorke* observed upon the great sums which had been laid out on the Elgin marbles, and the inconvenience of their present situation. He recommended that Somerset-house should be completed, the unfinished state of which was a disgrace to the capital and the country; and that a gallery should be added, in which these marbles might be deposited, together with what other works of art the money which the House should choose to vote would purchase. At all events, he trusted that no more money would be granted until a regular plan should have been submitted to the House, of the intended alterations.

Mr. *A. Ellis* very much objected to sending the late king's library to the Museum, because he thought that two great libraries were not more than the metropolis required. He defended the committee of the Museum, from the reflections cast upon them by the secretary of the Admiralty, whose amendment he should oppose. He praised the noble and patriotic gift of sir G. Beaumont. The collection of Mr. Angerstein would be sold in the course of next year, and if not looked after, would very probably go out of the country. His intention was to move for a grant in the next session, to be applied, under commissioners, to the purchase of this and other collections, for the formation of a national gallery.

The *Chancellor of the Exchequer* justified the committee of the British Museum. He happened to be one of them, and was denied that credit for taste by his hon. friend, as a member of the committee which had been abundantly bestowed upon him as a lord of the Treasury. He did not conceive that it was a matter of course, that, because the lords of the Treasury were responsible for the raising and laying out of money, they were the most capable persons in matters of mere taste. For his own part, he really dreaded the censures of his hon. friend near him; who, be it known to the House, considered himself, very justly no doubt, to have considerable taste in architecture. He certainly thought that Somerset-house, which was a noble pile of buildings ought to be finished; and at some other time he might, perhaps, move for a grant for that purpose. But as to building, there he must be excused—he was afraid of falling under the criticism of his hon. friend, who would be apt to apply to him the epitaph on sir John Vanbrugh—

> "Lie heavy on him, earth, for he
> "Laid many a heavy load on thee."

He thought the situation of the Museum not so very objectionable. As to the argument, that the library was not open to all the world, he thought that was rather an advantage than otherwise. The models of antiquity ought to be as open as possible to the examination of artists. Certainly, a national Museum ought to be magnificent, and the present building was not the best calculated for that effect: but, where could they select a situation in which they could command the same space of ground? He entirely disapproved of the proposal of the hon. member for Westminster. He was glad to see the attention of the House directed to this subject, and hoped that early in the next session, they would not only be able to afford the money, but that a plan would be matured which might be thought worthy of the subject.

Mr. *Baring* supported the amendment. He considered the mixture of antiquity, books, natural history, and marbles in the Museum, to be a most jumbling and incongruous arrangement. The works of art should be in a gallery by themselves. There were collections now purchasable, which could never again be come at by the public. Vast quantities of valuable works had been thrown into the hands of individuals by the French Revolution, which must in the nature of things return again to the great cabinets and collections. And really, for a country of such inordinate wealth and power as this to be without a gallery of art, was a national reproach. He highly approved of the spirit with which this subject was now taken up, and of most of the projected arrangements; especially that of purchasing the rich collection of the late Mr. Angerstein.

After a few words from Mr. H. Gurney

and Mr. W. Smith, the House divided on Mr. Croker's amendment: Ayes 80, Noes 54.

MR. G. ROWAN—COMPLAINT AGAINST A MEMBER.] Mr. *Brougham* rose again to present the petition of George Rowan, complaining of his having been dismissed from his office of collector of excise, and accusing colonel Crosbie (a member of the House) of having received money from several persons for procuring situations for them; having inquired into Mr. Rowan's character, and having found that he was a man of veracity and good reputation, and one whose statement, *prima facie*, he was bound to consider as entitled to credit. But here he must observe, that on presenting a petition, a member could not be held answerable for the accuracy of its contents. If he believed the party to be entitled to credit, he was bound to present the petition, and could not be held answerable, as if he stood up in his place in parliament and made the same assertions on his own authority. He had done all that he could effect, by cautioning the petitioner, that in making a charge against any member, he was bound to make good his charge, or be prepared to suffer the punishment which awaited a breach of privilege. He moved that the petition be brought up. Upon the motion, for laying it upon the table, an opportunity would be afforded for discussing its contents.

Mr. *Wynn* opposed the bringing up of this petition. It contained charges against an hon. member of that House, which, if true, would expose him to a criminal prosecution, and the constitution had provided a proper tribunal for the investigating such accusations. If the House should proceed upon the petition now before it, they could only do so by examining witnesses as to the truth of the allegations, and afterwards directing the attorney-general to prosecute. This they could not do without expressing an opinion upon the subject; and he called upon the House to consider, with how great a prejudice they would afterwards send a person to his trial by a jury. Another ground of objection was, that his hon. and learned friend had not stated that this charge had been brought before the notice of the public functionaries, whose duty it would be to prosecute. On the part of the government, he could state, that there existed no disposition to screen any person who should commit such an offence as was here charged; but he did think that, at that period of the session, it would be highly unjust to allow charges to be brought against a member, when the House could not investigate them, even if they should be convinced of the propriety of doing so.

Mr. *Brougham* hoped that he should be allowed to offer a few words. He was fully aware of the difficulty which had been pointed out; namely, that of turning the course of criminal justice into that House; and as a general principle, he could not but assent to his right hon. friend's observations. But there was another and not a less important difficulty—that the House should avoid the imputation of being too slow in receiving charges against its own members. Here was a distinct charge of the abuse of patronage by a ministerial member of a county. In the case of lord Melville, he had been censured by the House for an indictable offence, and the House had afterwards directed his prosecution by the attorney-general, although that mode of proceeding was afterwards abandoned for that of impeachment. His right hon. friend would say, that this was in his office of public treasurer; but there was another case—that of Thomas Ridge, a member of the House in 1710, who was a brewer, and a contractor with the Victualling-board; but not, therefore, a public functionary. He contracted to furnish 8,000 tuns of beer, and delivered only 3,000, having received payment for the whole. The House examined into the charges, expelled the member, and followed up that proceeding by an order to the attorney-general to prosecute. So that he was sent upon his trial, not only with the vote of the House about his neck, but under the additional weight of their sentence of expulsion. Of so little importance did he (Mr. B.) consider this, that he thought a man could not go into court with a better chance in his favour, than a prosecution by the attorney-general, in pursuance of a vote of the House. He thought, notwithstanding the difficulty which he admitted, the House could not refuse to receive the petition. When a day should be fixed for its discussion, the attorney-general might be directed to prosecute, and thus the difficulty would be got rid of.

Mr. *Wynn* said, that the House, being the guardians of the public purse, could not discharge that duty without proceeding as they had done in the case quoted by his learned friend.

Mr. *Maurice Fitzgerald* said, he rose with great pain to speak of the conduct of an hon. gentleman who was his own colleague. He was compelled to do so, in consequence of an allusion which had been made to him in the speech of his learned friend on Friday last, and which had been made public. He had been applied to by his learned friend as to the character of the petitioner: and, feeling that he had no right to refuse the information required, he had communicated it in the terms which his learned friend had read to the House. He had added, however, that as there had been election jealousies between his friend and those of colonel Crosbie, he wished to avoid any interference in the business, and particularly requested that his name might not be mentioned. Whether this did or did not preclude his learned friend from mentioning his name, the House would decide; but he must now state that it was his intention he should not do so. Not that he wished to conceal his having given the petitioner a character, but he wished not to lend any corroboration to the charges which had been made. In this spirit he had written the letter which had been quoted. He was satisfied that his explanation would be sufficient to gentlemen who heard him, on whatever side of the House they sat; because he knew that personal feelings, in matters so delicate as that of which he was speaking, were held by them paramount to all political inclinations. It had been hinted to him, that it might elsewhere be believed that the petition had originated with him. To those who knew him, it was enough to say that such an imputation must be, of its nature, false. If he had thought it necessary to make any charge, he should not have disgraced himself by adopting indirect means. So far from encouraging the charge, he had abstained from all correspondence with the petitioner, whom he had not seen for some years; and he had not replied to his letter, because although he knew that, in the county in which they both resided, any correspondence would be construed into an encouragement; and he had written confidentially to a friend of his, desiring he would have it understood that he was no party to the affair. He concluded by saying, that the charge had given greater pain to no individual (his hon. colleague excepted) than himself. He trusted that he had now removed the impression which the partial quotation of his letter had occasioned.

Mr. *Brougham* was sure that what his right hon. friend had just said, would establish the futility and groundlessness of the suspicions which he had felt himself under the painful necessity of repelling. He could confirm every statement which his right hon. friend had made. He regretted, however, that he had not known that his right hon. friend wished the whole of his letter to have been suppressed, or he would not have read the extract from it. As to reading the whole of it, his right hon. friend would see that he could not have done that, without distinctly disclosing who was the writer. As to the petition, he was merely actuated by a sense of duty in presenting it; for he had never been more plagued about any thing in the whole of his parliamentary experience. The House was, however, bound to protect its purity. It was bound to guard against the abuse of the influence which the members of it might have with his majesty's government. He did not think, therefore, that the House would do its duty, unless it received the petition. What it should do with it when it had it, was another question.

Colonel *Crosbie* embraced that opportunity of saying, that the impression on his mind originally was, that the hon. and learned gentleman had received the information he possessed from his colleague. He now, however, felt satisfied that such was not the case.

Mr. *M. Fitzgerald* said, that there was a phrase in the petition, relative to the dismissal of the petitioner, which he would be glad to explain, in order to prevent any misapprehension to which it might otherwise be liable. It was stated that, whatever were the merits of the trial, the means employed against the petitioner were base and treacherous. This did not apply in any manner to his (Mr. F's) colleague, nor to the parties concerned, and least of all to the government. It referred to a former petition presented by the petitioner, when he was dismissed from office in 1817, in which he complained, that his dismissal took place in consequence of a conspiracy among persons in his own employment, at the head of whom was a clerk he had dismissed for peculation. So far from the government having used any undue rigour towards the petitioner, he (Mr. F.) believed that the then Secretary for Ireland had stretched his authority in his favour.

Mr. *Peel* said, that although he did not recollect the particular facts of the case, he was certain the object of government in dismissing the petitioner was not to provide for any other individual.

On the motion that the petition do lie on the table,

Mr. *Wynn* observed, that he could not perceive the propriety of allowing the petition to lie on the table, unless it was intended to follow it up by some further measure. He, however, did not see what measure could now be adopted, and therefore thought it useless to place the petition before the public.

Upon the question that the petition do lie on the table, the House divided: Ayes 26. Noes 51.

List of the Minority.

Brougham, H.
Bennet. hon. G.
Calcraft, J.
Forbes, C.
Farrand, R.
Grattan, J.
Gurney, H.
Gaskell, B.
Hobhouse, J. C.
Hume, J.
Leycester, R.
Lamb, hon. G.
Leader, I.
Martin, J.
Monck, J. B.
Money, W. T.
Palmer, C. F.
Price, R.
Parnell, sir H.
Rice, T. S.
Robinson, sir G.
Smith, Robt.
Smith, Wm.
Tierney, right hon. G.
Western, C. C.
Wood, alderman.

TELLERS.

Buxton, T. F.
Nugent, lord.

RELIGIOUS OPINIONS—PETITION OF MINISTERS OF THE CHRISTIAN RELIGION FOR FREE DISCUSSION.] Mr. *Hume* rose for the purpose of presenting a petition which he considered of great importance. But before he did so, he begged to correct an error which had got abroad respecting what he had said last night. He had been made to say in one publication, that he disapproved of dissenters altogether; when, in fact, he had only expressed his disapprobation of that sect to which an hon. member belonged. His acquaintance lying very much among dissenters, many of whom he knew to be most intelligent and virtuous men, he should have belied his own experience if he had said so. He was of opinion, that general censures were always wrong; and, as his feelings had been excited on the occasion to which he alluded; by the intolerance displayed by that sect of which alone he spoke, he took the opportunity of this cooler moment to explain what he had said. Having done so, he would add, that he regretted that any person should have presumed to arraign his conduct, and to have designated him as the advocate of a person whose opinions he was so far from advocating, that if that person had listened to his advice, he would long ago have abstained from publishing them. He was well convinced that to attack prejudices in the way Mr. Carlile had attacked what he considered prejudices, was the best means of diffusing and strengthening them. He did hope that, in future, no person would take the liberty of endeavouring to represent him as the advocate of such opinions. The petition to which he now called the attention of the House was signed by 2,047 persons, members of Christian congregations, of whom 98 were ministers, among the latter were names which the House would agree were entitled to considerable respect, such as those of Dr. Evans, Dr. Jones, Dr. Rees, Dr. Clarke, Mr. Barclay, Mr. Roscoe, and others. A more sensible petition, and one more consistent with the spirit of Christianity, had, perhaps, never been presented to the House. He could not conceive that any sincere believer in the doctrines of the Christian religion could doubt, that any thing, which tended to stamp the character of persecution upon that religion, was more calculated to bring it into contempt, than all the scoffs and the arguments of its worst enemies. He proposed to follow up the reading of the petition with a motion which he should submit from a sense of duty; and which, if adopted by the House, as he anxiously hoped it would be, would tend to check the mischief which had been caused by recent proceedings.

The petition was then brought up and read; and was as follows:

"The humble Petition of the undersigned Ministers and Members of Christian Congregations,

"Sheweth; That your petitioners are sincere believers in the Christian Revelation from personal conviction on examination of the evidences on its behalf; and are thankful to Almighty God for the unspeakable blessing of the Gospel, which they regard as the most sacred sanction, the best safeguard, and the most powerful motive, of morality, as the firmest support and most effectual relief amidst the afflictions and troubles of this state of humanity, and as the surest foundation of the hope of a life to come, which hope they consider to be in the highest degree conducive to the dignity, purity, and happiness of society.

"That with these views and feelings, your petitioners beg leave to state to your honourable House, that they behold with sorrow and shame the prosecutions against persons who have printed or published books which are, or are presumed to be, hostile to the Christian religion, from the full persuasion that such prosecutions are inconsistent with, and contrary to, both the spirit and the letter of the Gospel, and, moreover, that they are more favourable to the spread of infidelity, which they are intended to check, than to the support of the Christian faith, which they are professedly undertaken to uphold.

"Your petitioners cannot but consider all Christians bound by their religious profession to bow with reverence and submission to the precepts of the Great Founder of our Faith; and nothing appears to them plainer in the Gospel than that it forbids all violent measures for its propagation, and all vindictive measures for its justification and defence. The Author and Finisher of Christianity has declared, that his kingdom is not of this world; and, as in his own example he showed a perfect pattern of compassion towards them that are ignorant and out of the way of truth, of forbearance towards objectors, and of forgiveness of wilful enemies; so in his moral laws he has prohibited the spirit that would attempt to root up speculative error with the arm of flesh, or that would call down fire from heaven to consume the unbelieving, and has commanded the exercise of meekness, tenderness, and brotherly love, towards all mankind, as the best and only means of promoting his cause upon earth, and the most acceptable way of glorifying the Great Father of mercies, who is kind even to the unthankful and the evil.

"By these reasonable, charitable, and peaceful means, the Christian religion was not only established originally, but also supported for the three first centuries of the Christian era, during which it triumphed over the most fierce and potent opposition, unaided by temporal power; and your petitioners humbly submit to your honourable House, that herein consists one of the brightest evidences of the truth of the Christian religion; and that they are utterly at a loss to conceive, how that which is universally accounted to have been the glory of the Gospel in its beginnings, should now cease to be accounted its glory, or how it should at this day be less the maxim of Christianity, and less the rule of the conduct of Christians, than in the days of those that are usually denominated the fathers of the church—that it is no part of religion to compel religion, which must be received, not by force, but of free choice.

"Your petitioners would earnestly represent to your honourable House, that our holy religion has borne uninjured every test that reason and learning have applied to it, and that its divine origin, its purity, its excellence, and its title to universal acceptation, have been made more manifest by every new examination and discussion of its nature, pretensions, and claims. Left to itself, under the divine blessing, the reasonableness and innate excellence of Christianity will infallibly promote its influence over the understandings and hearts of mankind; but when the angry passions are suffered to rise in its professed defence, these provoke the like passions in hostility to it, and the question is no longer one of pure truth, but of power on the one side, and of the capacity of endurance on the other.

"It appears to your petitioners that it is altogether unnecessary and impolitic to recur to penal laws in aid of Christianity. The judgment and feelings of human nature, testified by the history of man in all ages and nations, incline mankind to religion; and it is only when they erringly associate religion with fraud and injustice, that they can be brought in any large number to bear the evils of scepticism and unbelief. Your petitioners acknowledge and lament the wide diffusion amongst the people of sentiments unfriendly to the Christian faith; but they cannot refrain from stating to your honourable House their conviction that this unexampled state of the public mind is mainly owing to the prosecution of the holders and propagators of infidel opinions. Objections to Christianity have thus become familiar to the readers of the weekly and daily journals—curiosity has been stimulated with regard to the publications prohibited—an adventitious, unnatural, and dangerous importance has been given to sceptical arguments — a suspicion has been excited in the minds of the multitude that the Christian religion can be upheld only by pains and penalties, and sympathy has been raised on behalf of the sufferers, whom the uninformed and unwise regard with the reverence and confidence that belong to the character of martyrs to the truth.

"Your petitioners would remind your honourable House, that all history testifies the futility of all prosecutions for mere opinions, unless such prosecutions proceed the length of exterminating the holders of the opinions prosecuted — an extreme from which the liberal spirit and the humanity of the present times revolt.

"The very same maxims and principles that are pleaded to justify the punishment of unbelievers would authorize Christians of different denominations to vex and harass each other on the alleged ground of want of faith, and likewise form an apology for heathen persecutions against Christians, whether the persecutions that were anciently carried on against the divinely-taught preachers of our religion, or those that may now be instituted by the ruling party in Pagan countries, where Christian missionaries are so laudably employed, in endeavouring to expose the absurdity, folly, and mischievous influence of idolatry.

"Your petitioners would entreat your honourable House to consider, that belief does not in all cases depend upon the will, and that inquiry into the truth of Christianity will be wholly prevented, if persons are rendered punishable for any given result of inquiry. Firmly attached as your petitioners are to the religion of the Bible, they cannot but consider the liberty of rejecting, to be implied in that of embracing it. The unbeliever may, indeed, be silenced by his fears, but it is scarcely conceivable that any real friend to Christianity, or any one who is solicitous for the improvement of the human mind, the diffusion of knowledge, and the establishment of truth, should wish to reduce any portion of mankind to the necessity of concealing their honest judgment upon moral and theological questions, and of making an outward profession that shall be inconsistent with their inward persuasion.

"Your petitioners are not ignorant that a distinction is commonly made between those unbelievers that argue the question of the truth of Christianity calmly and dispassionately, and those that treat the sacred subject with levity and ridicule; but although they feel the strongest disgust at every mode of discussion which approaches to indecency and profaneness, they cannot help thinking that it is neither wise nor safe to constitute the manner and temper of writing an object of legal visitation; inasmuch as it is impossible to define where argument ends and evil speaking begins. The reviler of Christianity appears to your petitioners to be the least formidable of its enemies; because his scoffs can rarely fail of arousing against him public opinion, than which nothing more is wanted to defeat his end. Between freedom of discussion and absolute persecution there is no assignable medium; and nothing seems to your petitioners more impolitic than to single out the intemperate publications of modern unbelievers for legal reprobation, and thus by implication to give a licence to the grave reasonings of those that preceded them in the course of open hostility to the Christian religion, which reasonings are much more likely to make a dangerous impression upon the minds of their readers. But independently of considerations of expediency and policy, your petitioners cannot forbear recording their humble protest against the principle implied in the prosecutions alluded to, that a religion proceeding from Infinite Wisdom and protected by Almighty Power depends upon human patronage for its perpetuity and influence. Wherefore they pray your honourable House to take into consideration the prosecutions carrying on, and the punishments already inflicted upon unbelievers, in order to exonerate Christianity from the opprobrium and scandal so unjustly cast upon it, of being a system that countenances intolerance and persecution.

"And your petitioners will ever pray, &c."

On the motion that the petition be printed,

Mr. *Butterworth* asked, by how many ministers of the Church of England it was signed, and of what class of dissenters the other petitioners consisted.

Mr. *Hume* replied, that it was signed by dissenters of all classes.

Mr. *W. Smith* could not see the pertinency of the hon. member's question. The petition was, however, signed, he could assure him, by persons whose religious opinions were as perfectly opposed to each other as possible.

Ordered to be printed.

Mr. *Hume* then rose for the purpose of making the motion of which he had given notice. His object was, to obtain the admission of that principle, which he had always thought to be part of the law of this country, namely, that every individual was entitled to freedom of discussion on all subjects. At Edinburgh, where he was brought up, it was held, that any man might entertain and express his opinions, unless they became a nuisance to society, when, perhaps, they might be brought under the operation of the common law. Since the year 1817, however, a disposition had been manifested to prosecute persons for the publication of old as well as new works, the object of which was, to impugn the authenticity of the Christian faith. He was aware that since the period to which he had referred the number of such publications had increased; but he thought, also, that the progress which had been made in knowledge, and the extension of education to all classes of persons, had brought with it a remedy for this evil. Looking at the advantages which resulted from the freedom of discussion, and the part which able men were always ready to take in behalf of true religion, he thought it would be doing equal injustice to that religion and to the community, to adopt any other means of arriving at the truth than by fair discussion. He had always been led to believe, that the greatest blessing which Englishmen enjoyed was the complete freedom with which they were permitted to express their religious opinions, and to follow whatever sect or persuasion their own opinions coincided with. Recollecting, too, that we enjoyed the blessings of a religion which had been established by means of discussion, and by differing from those which had preceded it, he thought the House would act unjustly, and with bad policy, if it should now turn round upon those who differed from us, as we differed from those who had preceded us, and exercise a rigour which, in our own case, we had been the first to deprecate. Such a course, he was convinced, was more likely to generate doubts and ignorance than to give any stability to the religion. It was quite evident, that persons who wished to investigate religious subjects must meet with a great variety of opinions. Some of these might confirm their belief; while others might give rise to doubts. Now, he wished to ask, whether it was not proper that they should be allowed to state those doubts, for the purpose of having them refuted, if erroneous? In Christian charity, such an indulgence ought not to be refused to any individual. When he observed thirty or forty sects in this country differing from the Church of England, and differing equally from each other, he thought it was not at all surprising that amongst those who engaged in what might be termed periodical discussion on the subject of religion, many were found who dissented entirely from the great body of sectarians of every description. There was nothing wonderful in such a circumstance; but it was indeed wonderful, that they should be prosecuted and punished for promulgating their opinions in the way of controversy. What right had any set of individuals to set themselves up as following exclusively the true religion? Religion very different from ours was preached and adopted in other countries; and those who pursued such religion proclaimed it to be the true one. Where there was such a diversity of opinion, they, taking the Scriptures as the rule of their conduct and actions, ought to extend to all persons that merciful toleration which the New Testament so forcibly inculcated in every page. They ought not to proceed, in the manner which was now too common, against individuals who differed conscientiously from them on points of religious belief. The perpetration of acts of a physical nature might be prevented by force; but no power, however harshly applied, could control opinions, or make a man receive doctrines which he did not believe to be correct. The government of this country had been tolerant to the Jews. To that race of people who denied altogether the Christian religion, who disbelieved in the divinity of its Great Founder, the most complete toleration was extended. No one atempted to interfere with their opinions. The quakers, who differed on many essential points from the established church, were also tolerated; and the whole body of dissenters, various as were their doctrines, were suffered to preach them without molestation. This was highly to the honour of the country; and he wished, most sincerely, that every species of disability, whether in the nature of a test or otherwise, which applied to the dissenters, should be wholly removed. He should be happy to see every human being placed in that situation in which he would be enabled, without any fear of the civil magistrate, to entertain whatever religious opinions he pleased; and to endeavour to obtain, by fair and candid discussion, information on those points which might not appear sufficiently clear and satisfactory to him. That was the only way by which any man could arrive at a fair conviction. Religion must be implanted in the mind; and nothing but plain argument—nothing but the free discussion of points which an individual conceived to be doubtful—could either alter his mind with respect to any new doctrine, or confirm him in the truth of that which he had been accustomed to uphold. Physical force could have no effect whatever, either in eradicating new, or establishing old opinions. If there had been any thing unreasonable in his proposition, he would not have brought it forward; but, looking over the pages of the Holy Scriptures, he could not find a single sentence that authorized punishment on account of difference of opinion, or that called on the civil magistrate to interfere. The conduct of the Divine Founder of the Christian religion was entirely at variance with this prosecuting spirit. When he was pursued with bitter hate, because he preached new opinions, his prayer was, "Father! forgive them; for they know not what they do." It was in consequence of this mild spirit of forbearance, that the Christian religion had spread and flourished. It was not propagated by the great and the powerful. No; the meek, the lowly, and the humble, were its advocates; and its mild tenets made their way, where force and violence must have failed. That religion had advanced in spite of the efforts of power, in defiance of every species of persecution; and, with that great example before their eyes, ought they now to renew those scenes of persecution and oppression, which the earlier Christians had suffered with so much fortitude? Ought they to immure individuals in dungeons, for doing that which their own ancestors had done—for adopting new opinions? He might be told, "Those persons may express their opinions; but it must be done in a proper way." Now, for his own part, he knew not where the line of distinction was to be drawn, at which ribaldry began and sound discretion ceased. With respect to blasphemy, he would ask any one who referred to the act of James Ist, whether on that subject a great change had not taken place in the public mind? That act sets forth—"That any stage-player, performer at May-games, or at any pageant, who shall use the name of God, of Jesus Christ, or of the Trinity, shall be adjudged guilty of blasphemy, and shall be subjected to all the penalties by this statute made and provided." Would any man say, after reading this, that a great difference of opinion had not taken place on this point? Was it possible that the provisions of that statute could now be carried into effect, even if it were attempted by the most rigid sectarian? Again, by the 9th and 10th of William, it was provided, that "any person denying the doctrine of the Trinity, or contending that there are more gods than one, or impugning the truth of the Christian religion, shall be adjudged guilty of blasphemy." But, they had themselves done this provision away by an act of the legislature. When this was the case—when such an alteration had been effected in public opinion—he was prevented from seeing clearly what was to be considered blasphemous ribaldry, indecent discussion, or calm and dispassionate reasoning. He knew not what line of discussion was to be tolerated, and what ought to be allowed, unless the legislature would define what blasphemy really was. Where there was no definition of that kind, how could any man who reasoned on a religious subject be satisfied that in his argument he avoided blasphemy? How could he tell, let his intentions be ever so pure, that he did not expose himself to the visitation of the civil magistrate? He therefore submitted, that the uncertainty which prevailed with respect to what was and what was not blasphemy, ought to put an end to accusations of that nature, and to the punishment arising from them. Doubtless it would be said, that individuals had no right to express opinions which were different from those held by the great mass of the community. But, if this principle had been always acted on, Christianity never could have made the progress which fortunately it had done. All the missionaries they had employed in foreign parts, all the preachers they had sent out to Hindostan, contradicted the correctness of this position. Those persons were sent abroad to expose the follies and absurdities of religious creeds which were reverenced by millions. They declared their dissent from those superstitious doctrines; and were, therefore, doing the same thing which certain individuals were doing in this country, who could not believe all the tenets of Christianity. He thought in this the legislature were holding out two very different measures of justice. On the one hand, they were sending out persons to various quarters of the globe, for the express purpose of calling on the natives to inquire, to investigate, and to ascertain the truth of the doctrines they professed; while, on the other, a similar inquiry was treated at home as an offence of very great magnitude. It was only by such inquiry that they could hope to benefit either their Hindoo or Mahometan subjects in India. If they invited the Hindoos to enter into every kind of discussion the most extensive that could be imagined, why should they, because a few persons in England differed from the general feeling and opinion, withhold from those individuals the benefit of that principle which was so liberally adopted elsewhere? He thought that Christianity had stood too long and too scrupulous an inquiry to be shaken in the present day. When men of the very first abilities had attempted to impugn it and had failed, he entertained no apprehension from the attacks of men who possessed neither talent nor education. Christianity had marched on with rapid strides, notwitstanding the efforts of men of powerful minds. When this was so, why should they dread the assaults of a few ignorant persons, who, of late years, had excited public attention? It was impossible that they could state any arguments, or adduce any facts, which could endanger the tenets of the Christian religion, when assailants infinitely more powerful had formerly attempted the same thing without effect. The end of discussion was the attainment of truth; and he agreed with those who believed, that the more the Christian religion was examined, the more firmly it would be fixed, and the more seriously it would be followed. Those who prosecuted persons for promulgating opinions hostile to that religion, did not check, but aggravated the evil.

He would quote the opinions of some of the most learned and pious men that this country ever produced in support of freedom of discussion. Tillotson, Taylor, Lowth, Warburton, Lardner, Campbell, Chillingworth, and many others, had placed their opinions on record with respect to the propriety of allowing the freest investigation of the Christian religion. Before he quoted a passage of Tillotson, which more immediately affected the present question, he begged to observe, that that reverend divine directed his observations, not against mere ribaldry and gross language, which must ever counteract the object for which it was used; but against those calm and dispassionate reasonings, which were by far of a more formidable nature. The language of Tillotson was as follows:—"Our religion has this mighty advantage, that it doth not decline trial and examination, which to any man of ingenuity, must needs appear a very good sign of an honest cause; but, if any church be shy of having her religion examined, and her doctrines and practices brought into the open light, this gives just ground of suspicion, that she hath some distrust of them; for truth doth not seek corners nor shun the light. Our Saviour hath told us who they are that love darkness rather than light, viz.: they whose deeds are evil; for every one, saith he, that doth evil, hateth the light; neither cometh he to the light, lest his deeds should be reproved and made manifest. There needs no more to render a religion suspected to a wise man, than to see those who profess it, and make such proud boasts of the truth and goodness of it, so fearful that it should be examined and looked into, and that their people should take the liberty to hear and read what can be said against it." In another place he says—"We persuade men to our religion by human and christian ways, such as our Saviour and his apostles used, by urging men with the authority of God, and with arguments fetcht from another world, the promise of eternal life and happiness, and the threatening of eternal death and misery, which are the proper arguments of religion, and which alone are fitted to work upon the minds and consciences of men." And again, "But these methods of conversion are a certain sign that they either distrust the truth and goodness of their cause, or else that they think truth and the arguments of it are of no force, when dragoons are their *ratio ultima*, the last reason which their cause relies upon, and the best and most effectual it can afford." Now, he concurred most fully in the admirable doctrines here laid down by the reverend prelate. He would next call the attention of the House to what had been said by Lowth upon this subject. That learned writer had said, that "Christianity itself was published to the world in the most enlightened age; it invited and challenged the examination of the ablest judges, and stood the test of the severest scrutiny; the more it is brought to light, to the greater advantage would it appear. When, on the other hand, the dark ages of barbarism came on, as every art and science was almost extinguished, so was Christianity in proportion oppressed and overwhelmed by error and superstition. It hath always flourished or decayed, together with learning and liberty; it will ever stand or fall with them. It is therefore of the utmost importance to the cause of true religion, that it be submitted to an open and impartial examination—that every disquisition concerning it be allowed its free course—that even the malice of its enemies should have its full scope, and try its utmost strength of argument against it. Let no man be alarmed at the attempts of atheists or infidels; let them produce their cause, let them bring forth their strong reasons to their own confusion; afford them not the advantage of restraint, the only advantage their cause admits of; let them not boast the false credit of supposed arguments and pretended demonstrations which they are forced to suppress." This was the true ground upon which Christianity should be defended. This was the best mode of meeting and defeating those who doubted or disbelieved its doctrines. Bishop Warburton, in treating on the same subject says, addressing the Free Thinkers—"Mistake me not; here are no insinuations intended against liberty; for surely, whatever be the cause of this folly (Free Thinking), it would be unjust to ascribe it to the freedom of the press, which wise men will ever hold one of the most precious branches of civil liberty. Nor less friendly is this liberty to the generous advocate of religion; for how could such a one, when in earnest convinced of the strength of evidence in his cause, desire an adversary whom the laws had before disarmed, or value a victory where the magistrate must triumph with him? Even I, the meanest in this controversy, should have been ashamed of projecting the defence of the great Jewish legislator, did not I know that his assailants and defenders skirmished all under one equal law of liberty—this liberty then may you long possess!" Here then his (Mr. Hume's) objections were maintained in their fullest force. He maintained that prosecutions had been instituted to prevent a free discussion, and punishments inflicted in order at once to crush all inquiry. In his view of the case, no man would venture to publish his religious opinions, unless he felt conscientiously convinced of their truth, and was anxious to impress that conviction upon others; and yet, for the exercise of such a freedom—a freedom, be it observed, openly claimed and exercised by ourselves, the severest visitations of the civil law were inflicted upon the persons who had dared to exercise a similar liberty. What said Dr. Lardner upon the prosecution and punishment of Woolston, who was convicted in 1729? That learned divine coincided fully in the doctrines which he (Mr. Hume) now advanced, as appeared from the following opinions delivered by him in his letter to the bishop of Chester upon that subject. "The proper punishment of a low, mean, indecent, scurrilous way of writing seems to be neglect, contempt, scorn, and general indignation. This punishment he (Woolston) has already had in part, and will probably have more and more, if he should go on in his rude and brutal way of writing; and if we leave all further punishment to him to whom vengeance belongs, I have thought it might be much for the honour of ourselves and of our religion. But if he should be punished further, the stream of resentment and indignation will turn; especially if the punishment should be severe; and it is likely that a small punishment will not suffice to engage to silence, nor to an alteration of the manner of writing."

In this way, continued Mr. Hume, the writings of Carlile ought to have been treated. He believed that these writings were low and scurrilous in a very high degree. He had never read one of his publications until he had presented his petition, and he had then perused a few numbers of the "Republican," in order to judge. He there found some calm argumentative writing, and some articles so exceedingly coarse and offensive, that if Carlile had the smallest idea of the feelings of mankind, he would not have published any thing so revolting. He had, however, been most severely dealt with, and the consequence was, that the stream of public feeling had been changed; resentment had been kindled against the prosecutor, and compassion had been excited in favour of the prisoner. But for those prosecutions, few people would have known the thousandth part of his writings. The attorney and solicitor-general had seen the thing in its proper colours. They had not proceeded against Carlile; because they felt that such a course would be to spread abroad the very poison which they wished to eradicate. But the Society for the Suppression of Vice and the Bridge-street Association took the matter up, and became parties to the charge of disseminating those publications. They brought forward prosecution after prosecution; until the individuals who were the objects of punishment left the court of justice, after being sentenced to fine and imprisonment, with the characters of martyrs to the cause which they had espoused. So much was this the fact, that if fifty persons more were in dungeons on account of these opinions, twice that number would be ready to come forward for the same purpose. Carlile, with all his efforts of advertising and puffing, never could have sold Paine's works to the extent he had been enabled to do in consequence of these prosecutions. When Hone was prosecuted for his parodies, 20,000 copies were sold; which never would have been the case, if they had not been brought into notoriety by legal proceedings against the publisher. In the same way the poem of "Wat Tyler," which was written by Mr. Southey, the poet laureat, in early life, and which Mr. Southey, wishing to suppress, had applied for an injunction to restrain its publication, became in consequence of that step most widely disseminated, no less than 30,000 copies of it having been sold immediately after the application. Of lord Byron's "Cain," 10,000 copies had been sold in this way, There was only one instance more which he would mention, and that was, that in the course of one week after the prosecutions the sale of works in Carlile's shop increased from 2,000 to 15,000 copies.

He would now call the attention of the House to opinions delivered by an eminent divine, bishop Watson, whose writings were so well known to the public. His observations were as follow:—"The freedom of inquiry which has subsisted in this country during the present century, has eventually been of great service to the cause of Christianity. It must be acknowledged that the works of our deistical writers have made some converts to infidelity. But at the same time we must needs allow, that these works have stimulated some distinguished characters amongst the laity, and many amongst the clergy, to exert their talents in removing such difficulties in the Christian system as would otherwise be likely to perplex the unlearned, to shipwreck the faith of the unstable, and to induce a reluctant scepticism into the minds of the most serious and best-intentioned. The Christian religion has nothing to fear from the strictest investigation of the most learned of its adversaries."—Doctor Taylor had expressed the same opinion. Dr. Campbell, in his Dissertation on Miracles, thus delivered his opinion:—"So far am I from being afraid of exposing Christianity by submitting it to the test of reason; so far am I from judging this a trial which it is by no means fitted to endure, that I think, on the contrary, the most violent attacks that have been made on the faith of Jesus have been of service to it. Yes, I do not hesitate to affirm, that our religion hath been indebted to the attempts, though not to the intentions of its bitterest enemies. They have tried its strength, indeed, and by trying they have displayed its strength—and that in so clear a light as we could never have hoped, without such a trial, to have viewed it in. Let them therefore unite—let them argue—and when arguments fail, even let them cavil against religion as much as they please. I should be heartily sorry that ever in this island, the asylum of liberty, where the spirit of Christianity is better understood (however defective its inhabitants are in the observance of its precepts) than in any other part of the Christian world; I should, I say, be sorry that in this island so great a disservice were done to religion as to check its adversaries in any other way than by returning a candid answer to their objections. I must, at the same time, acknowledge, that I am both ashamed and grieved, when I observe any friends of religion betray so great a diffidence in the goodness of their cause (for to this diffidence it can only be imputed), as to shew an inclination for recurring to more forcible methods." The hon. member proceeded to state, that he could not conceive why the Bridge-street Association should interfere in the unconstitutional manner they had done. They had found a stock-purse to prosecute individuals, and had taken upon themselves that duty which really belonged to the magistrate. They had a great deal to answer for in taking such a course. He regretted to see such respectable persons amongst them. He was sorry that they had allowed themselves to be misled by interested individuals, secretaries and others, who had only their own emoluments in view, and cared very little about the objects which had been contemplated by the persons who subscribed the funds—The hon. gentleman here again referred to the doctrines of archbishop Tillotson, whom he quoted as follows:—" Surely that Church is not to be heard, which will not hear reason; nor that religion to be much admired, which will not allow those that have once embraced it, to hear it ever after debated and examined. This is a suspicious business, and argues that either they have not truth on their side; or that truth is a weak and pitiful and sneaking thing, and not able to make its party good against error. A free and impartial inquiry, into the grounds and reasons of our religion, and a thorough trial and examination of them, is one of the best means to confirm and establish us in the profession of it." The archbishop not only maintains the innocuousness of the perusal of infidel publications, but makes the reading of them almost a duty. " If it be said," he argues, " that the allowing of this liberty is the way to make people perpetually doubting and unsettled, I do utterly deny this, and do, on the contrary, with good reason affirm, that it is apt to have the contrary effect; there being no better way to establish any man in the belief of any thing, than to let him see that there are very good grounds and reasons for what he believes; which no man can ever see, that is not permitted to examine whether there be such reasons or not. So that besides the reasonableness of the thing, it is of great benefit and advantage to us; and that upon these accounts:—to arm us against seducers. He that hath examined his religion, and tried the grounds of it, is most able to maintain them, and make them good against all assaults that may be made upon us to move us from our stedfastness; whereas, he that hath not examined, and consequently does not understand the reasons of his religion, is liable to be tossed to and fro and to be carried about with every wind of doctrine, by the sleight of men, and the cunning craftiness of those that lie in wait to deceive. For when he is attempted he will either defend his religion or not; if he undertake the defence of it before he hath examined the grounds of it, he makes himself an easy prey to every crafty man that will set upon him; he exposeth at once himself to danger, and his religion to disgrace. The holding fast the profession of our faith without wavering, doth not imply that men should obstinately refuse to hear any reason against that religion which they have embraced, and think to be the true religion. As men should examine before they choose; so after they have chosen, they should be ready to be better informed if better reason can be offered. No man ought to think himself so infallible as to be privileged from hearing reason, and from having his doctrines and dictates tried by that test. Our blessed Saviour himself, the most infallible person that ever was in the world, and who declared the truth which he had heard of God, yet he offered himself and his doctrine to this trial—John, viii. 46; " Which of you convinceth me of sin? that is of falsehood and error?" and " If I speak the truth, why do ye not believe me?" He was sure he spoke the truth, and yet for all that, if they could convince him of error and mistake, he was ready to hear any reason they could bring to that purpose."

He would next give to the House the authority of a very high and learned personage, the present Bishop of London. That reverend prelate, in his charge to his Clergy, last year, had thus expressed himself:—" I am, indeed, fully persuaded, that the extravagances of frantic infidelity are means in the order of Providence for the promotion of virtue and truth, by provoking discussions which lead to the dispersion of error, by disposing the careless to reflection, by determining the irresolute to inquiry, by awakening energies which might otherwise have slumbered in inaction, and rousing the horror and indignation which vice and impiety, when they throw off the mask, will never fail to inspire in generous and honest minds.—Such on all former occasions has been the uniform result of the violence directed by infidels against our holy religion, in this couutry; and when I consider the general expression of disgust at the blasphemous libels which were lately put in circulation; when I recollect the number and excellence of the popular tracts in defence of the religion so basely traduced, and the reception which they experienced from the public, I cannot but think that the evidences of the Christian Revelation, and the nature and grounds of the Christian faith, are in consequence more generally understood, and the people on the whole more firmly attached to the creed of their fathers, than if it had never been called in question. When I behold, on the other hand, the continued exertions of piety, in the distribution of the scriptures and scriptural tracts—in the enlarging of churches, in the erection of schools at home and abroad, in founding extensive establishments, with a view to the conversion of the heathen, I am compelled to infer from this active munificence, that the breath of impiety has neither quenched the flame of religion among us, nor sullied its purity, nor abated the intensity of its power."

He had, however, strong legal authority to produce in addition to the mass of ecclesiastical evidence which he had adduced in support of his opinions. Judge Blackstone, in his Commentaries, said—"It seems necessary for the support of the national religion, that the officers of the Church have power to censure heretics, yet not to harass them with temporal penalties, much less to exterminate or destroy them. All persecution for diversity of opinions, however ridiculous and absurd they may be, is contrary to sound policy and civil freedom." This was also his opinion. By endeavouring injudiciously to punish, they made martyrs, and turned the minds of thousands to the consideration of matters which otherwise would never have come under their notice. Mr. Locke, in his first letter on Toleration, had said—"I esteem toleration to be the chief characteristical mark of the true church; every one is orthodox to himself." If such were the sentiments of the pious, wise, and learned men whom he had quoted, how would gentlemen reconcile them with the prosecutions now going on? Of what use were those prosecutions, when individuals gloried in their punishment, as an act of martyrdom? Discussion ought to be allowed in the most full and unrestrained degree; and the power of the magistrate ought only to be resorted to when the safety of the state demanded it. He had not touched upon the question of Atheism lately made against Carlile, for this simple reason—because he had never seen any man pretending to be an atheist, who could maintain those opinions in argument for one half hour; and he even doubted whether any person existed, who really doubted the being of a Great Creator of the universe. He did not mean to defend any attacks on the Christian religion, or any of the publications which had been complained of. They ought to be put down; but put down in the way they deserved—by complete neglect and utter contempt. The hon. member concluded by moving "That it is the opinion of this House, that Free Discussion has been attended with more benefit than injury to the community, and it is unjust and inexpedient to expose any person to legal penalties on account of the expression of opinions on matters of religion."

Mr. *Wilberforce* proceeded to address the House, but in a tone so low, as to be for a considerable time inaudible in the gallery. We at length understood the hon. member to defend the Constitutional Society and the Society for the Suppression of Vice in the course they had taken, and to maintain, that both those bodies were not only fully justified, but much to be applauded, for having exerted themselves for the suppression of offences, which, in every sense, was *contra bonos mores.* The hon. mover had observed, that he believed there was no such a thing as Atheism; but in one of those offensive publications there was a passage, in which it was stated, that atheism was the only ground on which a man could find a sound and secure footing. It was exceedingly unpleasant to quote from any of those works; but in another number, it was declared, that Christianity could be proved to demonstration to be a gross imposture; and, as it was supported for the purpose of upholding a bad system of government, the author wondered why it had not long since been removed; and he went on to ask, whether the inquiring mind of man could find any sound footing except in atheism. The hon. mover had quoted from bishop Warburton, the bishop of London, and several other eminent divines, with whose sentiments he (Mr. W.) entirely concurred: for no man held more strongly the opinion that it was proper to investigate the established religion of the country fairly. But, none of those pious and learned men had argued, that gross and vulgar abuse of the religion of the state ought to be tolerated. Dr. Paley's opinion was clear and decisive on this point. He had said, "that persecution could produce no sincere conviction; and under the head, of religious toleration, he included toleration of all serious argument, but he did not think it would be right to suffer ridicule, invective, and mockery to be resorted to with impunity. They applied solely to the passions, weakened the understanding, and misled the judgment. They did not assist the search for truth, and instead of supporting any particular religion, destroyed the influence of all." With respect to Carlile, he had not been harshly treated. No prosecution was instituted against him, until he had placed over his door "The Temple of Reason;" and the dissemination of irreligious works became too notorious to be overlooked. He thought the country owed much to those private individuals (seconded by the state) who had endeavoured to disseminate such works, and to support such a moral education, as would enable the people to combat those principles. He entirely denied the truth of the argument which the hon. member had drawn from the employment of missionaries abroad. Those individuals never proceeded to insult the prejudices of the natives of other countries by any gross and indecent reflections. They adduced nothing but fair and sober argument to effect their purpose. The hon. member said, that there was no drawing a precise line in arguments on this subject. His answer was, that it was not intended to draw a precise line. Let truth go to its fullest and fairest extent; but let ribaldry and indecency be avoided. Did Christianity ever insult the country where it was attempted to be planted? No. It was distinguished by decorum, respect, and obedience to the powers that be. Even the government of the emperor Nero, one of the most cruel tyrants that ever lived, was not abused by the Christians. With respect to those who had voluntarily taken upon them to prosecute publications of this nature, he must observe, that there were many wrongs by which society in general suffered, but which were likewise so offensive to individuals, that they hesitated not to visit them with the penalties of the law. There were also, it should be observed, certain other crimes, more injurious to society than even robbery or murder, but which, as they did not affect the particular interests of private individuals, they did not stand forward to punish. Therefore, the formation of societies for the purpose of visiting such crimes with severity, was a praiseworthy act. It had been stated over and over again by the judges, that persons who associated together to carry the law into execution, where offences of this kind, which were mischievous to society, were perpetrated, were acting in a perfectly legal manner. The introduction of obscene pictures and improper books into schools had been effectually checked by that means. When individuals combined together for this purpose, and were only actuated by public principles, and where the over-zealous disposition of some was tempered by the moderation and prudence of others, it could not be doubted that great good was likely to be the result.

Mr. *Ricardo* said, he had heard with pleasure a great part of the speech of his hon. friend who had just sat down, and the remainder certainly with no inconsiderable concern. The greater part of that speech had been in support of the opinion which he (Mr. Ricardo) held, in common with his hon. friend who had introduced the motion; namely, that no man had a right to dictate his opinions upon abstract opinions to another, upon peril of punishment for a refusal to adopt them; and his hon. friend had further admitted, that so long as the controversy upon such topics was conducted with decency, it ought not to be prevented by force of law. Now, he lamented that when his hon. friend had thought proper to quote the sentiments of Dr. Paley, he had not given them more at length, for he would, in the writings of that eminent individual, find a more large and liberal spirit of toleration, than he was disposed to admit practically in other parts of his speech.

Mr. *Wilberforce.*—Dr. Paley distinctly excepts to the treatment of such subjects with levity and ribaldry.

Mr. *Ricardo.*—That, certainly, was Dr. Paley's only exception; and he, as well as the other chief ornaments of the church, for instance, Dr. Tillotson and Dr. Porteus, had asserted, in the largest sense, the right of unfettered opinion. If the validity of such opinions were admitted, who could approve of the operation of the law of this country in such matters? Who could sustain those impolitic and unjust prosecutions? What was the prosecution of Carlile for republishing the "Age of

Reason?" That was not a work written in a style of levity and ribaldry, but a serious argument upon publishing the truth of the Christian religion. Look again at the impending prosecution for eighteen weeks of the same man for publishing Mr. Hone's parodies, which was not abandoned until Hone had himself secured an acquittal on the charge. But, said his hon. friend (Mr. Wilberforce), in justification of these public prosecutions, there were some offences which did not directly affect private interest, although they injured the community, and which might go unpunished, were it not for general associations which took cognizance of such matters; and he had talked of obscene writings in illustration of his opinion. But, was there really any comparison between such writings and those upon speculative points of religion, which were the only topics to which this motion applied? They were all agreed that obscene writings ought to be punished. And why?—because they were obviously pernicious to the moral interests of society, and constituted a general and disgusting species of offence. But not so with respect to abstract religious subjects, upon which it was quite impossible to obtain universal assent. No man had a right to say to another, "My opinion upon religion is right, and yours is not only wrong when you differ from me, but I am entitled to punish you for that difference." Such an arrogant assumption of will was intolerable, and was an outrage upon the benignant influence of religion. They might talk of ribaldry and levity, but there was nothing more intolerable than the proposition which he had just stated, and which was nothing less than the power contended for by the advocates of these prosecutions for mere opinions upon points of faith. Then, what an absurd and immoral mode did the law provide for estimating the credit of a man's faith before his testimony was legally admissible? When the question was put to a witness, "Do you believe in a future state?" If he were a conscientious man, entertaining seriously such an opinion, his answer must be in the negative, and the law said he should not be heard; but if he were an immoral man, and disregarded truth, and said, "I do believe in a future state," although in his conscience he disbelieved in it, then his evidence was admissible, and his hypocrisy and falsehood secured him credibility. Now, there would be some sense in the law, if it declined tempting the hypocrisy of the individual, or his fear of the world's hostility or prejudice, and let in other evidence to establish, from previous knowledge of the individual, whether or not he ought not to be admitted as a witness; but as it stood, it was absurd and ridiculous; and when he (Mr. R.) was charged upon this ground with a desire to do away with the sanctity of an oath, his reply was, "I do not desire to diminish the sacredness of the obligation; but I do desire to get rid of the hypocrisy by which that oath may be evaded." But then, again, was it possible for a man not to believe in a future state, and yet be strictly moral, and impressed with the necessity of upholding credibility in the common obligations of society? For his part, he firmly believed in the possibility of a man's being very honest for all the social purposes and essential obligations of the community in which he lived, and still not assenting to the belief of a future state. He fully admitted that religion was a powerful obligation; but he denied it to be the only obligation. It was, in fact, one which was superadded to the general force of moral impressions—it were a libel upon human nature to say otherwise. Tillotson was of that opinion in the following quotation from his works:—"As for most of those restraints which Christianity lays upon us, they are so much both for our private and public advantage, that, setting aside all considerations of religion, and of the rewards and punishments of another life, they are really good for us; and if God had not laid them upon us, we ought in reason, in order to our temporal benefit and advantage to have laid them upon ourselves. If there were no religion, I know men would not have such strong and forcible obligations to these duties; but yet, I say, though there were no religion, it were good for men, in order to temporal ends, to their health and quiet, and reputation, and safety, and, in a word, to the private and public prosperity of mankind, that men should be temperate, and chaste, and just, and peaceable, and charitable, and kind, and obliging to one another, rather than the contrary. So that religion does not create those restraints arbitrarily, but requires those things of us, which our reason, and a regard to our advantage, which the necessity and conveniency of the things themselves, without any consideration of religion, would in most cases urge us to." He read this passage for the purpose of showing, and from a great authority in the church, that the obligation of religion was not alone considered as the influential test of moral truth, and that a man might be very sceptical upon doctrinal points, and yet very positive in the control of moral impressions distinct from religious faith. For instance, there was Mr. Owen of Lanark, a great benefactor to society, and yet a man not believing (judging from some opinions of his) in a future state. Would any man, with the demonstrating experience of the contrary before his eyes, say that Mr. Owen was less susceptible of moral feeling, because he was incredulous upon matters of religion? Would any man, pretending to honour or candour, say that Mr. Owen, after a life spent in improving the condition of others, had a mind less pure, a heart less sincere, or a less conviction of the restraint and control of moral rectitude, than if he were more imbued with the precepts of religious obligation? Why, then, was such a man (for so by the law he was) to be excluded from the pale of legal credibility—why was he, if he promulgated his opinions, to be liable to spend his days immured in a prison? With respect to the exception provided according to his hon. friend (Mr. Wilberforce), for treating such subjects with levity and ribaldry, he must confess, that he thought it a very singular reservation: for what was it, but to say—"You may discuss, if you please, in the most solemn, most serious, and therefore most influential manner, any topic of religion you please; but, the moment you discuss it with levity or ribaldry, that is, in such a manner as to be sure to offend the common sense of mankind, and therefore deprive you of really acquiring any serious proselytes, then the law takes cognizance of your conduct, and makes your imbecility penal. Was not this a glaring inconsistency? The law allowed the greater evil, the serious and substantial principle of discussion; and it denounced the lesser, which after admitting the first, it ought to have tolerated; and yet his hon. friend had, by his argument, justified and supported so singular a course. There was one passage of this petition which was very forcible, and to which he called the attention of his hon. friend. It was this:—"The reviler of Christianity appears to your petitioners to be the least formidable of its enemies; because his scoffs can rarely fail of arousing against him public opinion, than which nothing more is wanted to defeat his end. Between freedom of discussion and absolute persecution there is no assignable medium." When this subject was last before the House, unless his memory deceived him, he had heard singular opinions propounded by gentlemen who took a different view of this subject from himself. He thought he had heard it avowed, that the religion which ought to be established in a state, was not that which the majority said they believed, but that the doctrines of which were true. He had heard an observation like that fall from a very respectable quarter. It was difficult to argue with any body entertaining such an opinion; for where was the test by which such an argument could be tried? There was not in polemics, as in astronomy, one unerring criterion to which the common credence of mankind bowed: it was not like the rising sun, or any of the other phenomena of nature, which were bound by indissoluble and indisputable laws; but, on the contrary, a subject open to conflicting opinions. Who, then, was to decide upon the truth—who was authorized to say, "My opinion is right, yours is wrong?" If this was impossible, how was the test to be decided? How, for instance, in such a country as Ireland try the question of the truth of what ought to be the religion of the state, against the the opinions of the majority of the people? How would, upon that test, the stability of the Protestant religion in Ireland be secured? Or, if it was secured there, merely because the minority thought it the true religion, the same reason and the same duty, would authorize the extension of the principle to India; and why not supplant Mahometanism to establish the doctrines of the Reformation." Into this wide field did the gentleman enter who embarked in such fanciful notions. He begged to be understood as having argued this question, from beginning to end, as the friend of free discussion. He knew the delicacy of the subject, and was anxious to guard himself against being supposed to entertain opinions obnoxious to the bulk of mankind. He repeated, that he only contended for the general right of self-opinion, and for the unfettered liberty of discussion, and hoped that while he was doing so, he should not have, as his hon. friend (Mr. Hume) had had last night, certain opinions fixed upon him which he did not entertain, and which it was quite unnecessary for him to countenance, in supporting the line of argument which the subject suggested to him, and which his reason approved.

Mr. *Horace Twiss* said, it had been intimated by the hon. member for Montrose, that the greatest enemies to religion were those, who sought to uphold her by the measures, which it was the object of this motion to abolish. If that be the case, Sir, continued the hon. and learned gentleman, I, and those who think as I do, have indeed most miserably deceived ourselves. But the hon. gentleman's argument, though I think it erroneous in regard to religion, is applicable enough to that liberty of the press, whereof he is the strenuous advocate. For if any artful man, who should be as much an enemy to the liberty of the press as the hon. member for Montrose is, I doubt not, its friend, were contriving to obtain the reimposition of that licenser's veto, by which, with the intermission only of two or three years in the reign of Charles 2nd, the press continued to be fettered until some time after the accession of king William,—I can imagine no mode by which he would be so likely to forward that alarming design, and stifle the objections to an antecedent censorship, as by exempting irreligion and blasphemy, when once published, from the animadversion of an English jury, and securing to their authors the impunity which is now proposed [Hear, hear]. For what has been always the argument against the imposition of any previous censorship? Why, that though there are certain opinions, whose public circulation would endanger the peace and well-being of the people, yet that evil is likely but seldom to occur from the unfettered discretion of individuals, so long as they continue responsible to the law, for the excess, or abuse, of that discretion. In other words, we agree, in this particular case, considering the greatness of the good that arises from a free press, to do what, in general, would be somewhat indiscreet, to exchange a preventive for a merely penal control. But what is the doctrine now? It is not, as it once was, that the state, instead of taking the responsibility of licensing the press upon itself, should leave all publishers under a responsibility of their own; but that all responsibility shall be remitted altogether. I apprehend, Sir, that if harsh restraints are apt to lead to popular excesses, popular excesses are apt in their turn to lead back to harsh restraints [Cheers].

Sir, I am not about to follow the hon. member for Montrose, through the great variety of authorities, more or less relevant, which he has poured, in such profusion, upon the House. But, there is one counter-sanction which I will venture, in vindication of my own opinions, to cite, not only because it is of a practical kind, but because it comes from a quarter, which gentlemen opposite do sometimes, when it suits their purpose, recognize as carrying some authority:—from William the 3rd, and his parliament. In 1694, the act expired which had subjected the press to the control of the government; and, in three years from that time, the publication of blasphemous libels had come to so great a head, that the House of Commons, in 1697, voted an address to king William, praying, among other things, "That judges and magistrates might be commanded by proclamation, to put in force the laws against profaneness and immorality, and particularly that orders might be given for the suppressing all pernicious books and pamphlets, which contain in them *impious* doctrines against the Holy Trinity, and other fundamental articles of our faith, *tending to the subversion of the Christian Religion:* and that the authors and publishers thereof may be discountenanced and punished."—(5 Parl. Hist. 1172-3.)—To this address king William was advised by his ministers, lord Somers being then the keeper of his majesty's conscience, to make this answer:—"I will give immediate directions in the several particulars you desire; but I could wish some more effectual provision were made for the suppressing those pernicious books and pamphlets which your address takes notice of."—[Com. Journ. 18th Feb. 1697.]—The consequence of these communications was a statute [9 & 10 W. 3, ch. 32], by which, among other things, it was enacted, that the denial of the truth of the Christian religion, or of the divine authority of the Holy Scriptures, should be punished with certain disqualifications, on the first offence; and, on the second, with a total civil incapacity, and a three years' imprisonment. Nor was this any innovation upon the principle of the common law, but only an enforcement of it, by a severer penalty than the courts would have otherwise had the power to inflict. Before the Revolution, lord Hale had laid it down, that such offences were not against religion only, but against the laws; as tending to dissolve all those obligations, by which civil societies are preserved.—[Taylor's Case, 3 Keb. 607—1 Vent. 293].

The hon. gentleman, I think, has hardly been aware of the principle thus laid down by lord Hale. Opinions tending to such a disturbance, the state, upon the simple principle of self-defence, is bound to suppress. It is idle to say, that with the mere publication of opinion, a government has no right to concern itself, when you know it is upon opinion alone that any government can depend for its existence. [Hear, hear]. If any published writing have a tendency to inflame particular classes of people against the constitution, and to excite them to subvert it, that publication is properly the subject of prosecution, since, if not treason itself, it is the seed of treason. It is even so of those published opinions which shake the respect of thoughtless readers for the great principles and sanctions of morality, and of that religion upon which all morality, at least all public, general morality, must ever depend. [Hear, hear]. It is not, therefore, by mere construction, but actually and practically, that irreligious opinions, in the language of the indictments upon which they are tried, are "against the peace of the king."

But besides the preservation of public peace, there is something due, likewise, to the private happiness and comfort of individuals; and that comfort, and that happiness, are more seriously endangered by any attempt to undermine the sanctions of religion, than even by the efforts of political incendiaries. For, in religion, the belief is the substance. It is not, as in politics, a mere speculative preference; but it is one of the actual solid comforts of private life. No man, by being persuaded to disapprove the government he lives under, loses the benefits which that government holds out, alike to its contented and its discontented subjects; but he who is persuaded to doubt his religion, is at once a loser of all which, in this world, that religion can bestow. And this, not perhaps by any deliberate choice—not by any voluntary preference —if that were so, you might object to any interference with his free-will:—but, as I find it truly observed in the petition which the hon. mover has quoted, "Belief does not, in all cases, depend upon the will." On the contrary, he whose belief has been thus undermined, is perhaps one whose doubts are unmingled pain to him—who would sacrifice much to be freed from them—who wishes for nothing with half such anxiety as to be undeceived. But it is not altogether an affair of understanding: the impression is too deep for the reach of argument—like a groundless jealousy, the sufferer feels the evil adhering and rankling, and no refutation you can use, no balm you can prescribe,

> Can ever med'cine him to that sweet sleep
> He owed but yesternight.

Against these anxieties and fears it was, that the law, with the care of a parent, extended a protection to its weaker subjects; and these anxieties and fears are the "rational boon," which the motion of the hon. gentleman proposes to make legally current among the people?

You say, let the people take care of themselves. I answer, no; it is the duty of their government to take care for them—to keep up a sort of moral police, as well as a civil one. That principle of protection runs through your constitution: if the commonest tradesman deal out foul stores or unwholesome provisions to the public, you protect your people by stopping and punishing the offence: and yet now, because you exert the very same power in suppressing the sale of those moral poisons, as an hon. member has this evening accurately called them, poisons which the venders would circulate as cordials among the poor, you are to be told that the law, by which this power belongs to you, is at variance with the spirit of your constitution!

Every one admits the mischief, and allows that it requires a remedy; but then, says the hon. member for Portarlington (Mr. Ricardo), the proper remedies are controversy of refutation, not the punishments of the law. That argument would have more force than it has, if all who read the allegation were presented also with the proof that refutes it —if one side of the leaf contained the charge, and the other the answer: but, of those who imbibe the original poison we have been speaking of, how many are ever supplied with the antidote? Besides, there are certain publications, such as those of that Carlile, whose petition, I believe, originally suggested this motion, which, from the very lowness of their nature, are likely to remain unanswered. They do not, like the writings of higher sceptics, excite competent champions to a vindication: the enemy is thought too inglorious to be worth the trouble of an overthrow; so that the weaker these tracts may be in argument and information, the stronger are they in their chance with the uneducated classes they address; and thus their very meanness aggravates their mischief. What boots it then for the hon. member for Portarlington to talk of public opinion as an extinguisher for the flame which the religious incendiary tries to kindle? Public opinion, undoubtedly, is entitled to high respect, when it means the opinion formed upon any subject by those classes of the public by whom that subject happens to be understood. But if it means, as in the language of many who quote it, it does now but too commonly mean, the opinion of people who can know nothing about the matter; then, instead of being called *public opinion,* the proud designation which it has taken in modern times, its old-fashioned appellation of *vulgar error* is the much more appropriate title [Hear]. What public opinion can be formed by the readers of Carlile, upon the multifarious questions, historical, biblical, philosophical, and critical, which are necessarily involved in all discussions on the truth and evidence of the Christian faith? We should be treating the people not with respect, but with mockery, to refer such appeals to their tribunal.

It is almost amusing to hear the tone which the liberals take on this subject. One would suppose, from the spirit in which the hon. member for Montrose has been advocating their cause, that the liberals in religion—which term, in plain English, denotes, I believe, all sorts of infidels, from the common sceptic to that atheist whose existence the hon. member disbelieves—were really a persecuted cast: for he has used and dwelt upon the word persecution: as if they were a set of men thrown overboard by society with their opinions fastened to them like a stone about their necks, and sent down to the bottom. Is that the case? Why, Sir, no man ever even interferes with them. We say to them, You may keep your unbelief if you like it, only keep it to yourselves [Hear, hear]. We do not want to disturb you; but we expect in return that you shall not disturb us. You may do what you please within your own doors; but if nothing will serve you but to set up your noisome trade in our streets, and taint the public air, you must not be surprised if we abate you as a nuisance [Hear, hear]. Persecution, Sir! why they do not suffer even exclusion. They have political privileges and franchisee which are denied to millions of their Christian fellow-subjects. Would it bs believed that this proposal for bestowing immunity upon religious libellers, is the motion of the same hon. member, who, when a bill came before this House a few weeks ago for relieving the Catholics from disqualification on account of religious opinions, was among the foremost of those gentlemen who withdrew in a body from their places, and purposely abandoned the freedom of religious opinion to a defeat from which their adherence might have saved it! [Hear, hear].

The hon. member is afraid that in this, as in ancient instances, the persecution he talks of may make martyrs whose martyrdom will recommend their doctrine. No warning can be less applicable. Persecution, no doubt, has been a great maker of martyrs in time past; but then in those days, unhappily, she had a red-hot crucible to work up her manufacture. In our days the furnace has gone out, and her occupation is extinguished with it. Their allusion, therefore, is merely *ad invidiam.* The blasphemous libellers of the present day know very well that they are safe enough from the faggot and the stake; and it is precisely because they feel the safety that they venture to raise a prejudice by talking about the danger. [Much cheering].

I can understand, though I differ from the man who says, let political discussion be free, even though it work a change in our very constitution; because I can conceive that a perfectly honest Englishman may think, however erroneously, that the constitution of his country might be changed advantageously for some other. But can any honest Englishman deceive himself into the belief, that his country's religion might be advantageously supplanted, not by a religion of some other kind, but by a total irreligion? Because, that is the real question [Hear, hear]. Why is it that you would let impious discussion proceed? Either it is to produce an effect, or it is to produce none. If no effect is to be produced, no advantages are stifled in its suppression. If there is to be any effect produced, do you think it wise to sanction an effect which you yourselves admit must be a mischievous one?

'If you mean to say that there are many works liable, under the present law in strictness, to public prosecution, which in ordinary circumstances it is most advisable to leave unprosecuted, in that opinion I concur; because I believe there are *some* irreligious attacks, which do but stimulate the ability of learned vindicators to the clearer assertion and more complete establishment of religious truth. The same thing may be said still more cogently, as to the discussions of contested creeds and points of faith. So far, I agree with the hon. members for Montrose and Portarlington. But the proposal we are now to vote upon is, not that a sparing discretion shall be exercised in prosecuting irreligious libels, but that they shall all be exempt from the very possibility of prosecution. I suspect that the hon. member for Portarlington has here been seduced a little beyond the limit of his usual discrimination, by his fondness for the principles of free trade [a laugh]. The effect of freedom in trade, and that indeed which recommends it, is, that it encourages production; but, as production in this case is the very thing we want to prevent, we can hardly vote for a free trade here, unless the hon. member will unteach us every thing that he has been so long inculcating, and prove that freedom of trade will best stifle supply [Hear, and a laugh]. But if this trade is dangerous in any mode of dealing, it is most dangerous of all in the retail—when infidelity is made up into cheap tracts, and sold among the poor by the hapo'rth.

Sir, if any of the considerations I have mentioned can be supposed to have had any force with our fathers when they made those laws, which, notwithstanding all I have heard to-night, I still think it our happiness to live under, much greater is the force which those considerations have acquired from the circumstances of the present times. Of old there were but few, to whom the disquisitions of infidelity could be addressed; and those who could read, were, for the most part, educated in other respects. But now, you have extended the gift of reading to the mass of your people. It is a good work, and has advantages in it that may overbalance many objections. But I must say,—and having said that, I will trouble the House no further—that if, while we qualify our people to read all the doctrines that are published, we remove the whole restraint on the publication of doctrines which ought never to be read; there is but too much ground to fear that we shall be furnishing the enemies of instruction with an argument—a more solid one than any they have yet been able to adduce—by enabling them to insinuate, with a colour of truth, that the education of the people has been the corruption of the state, and the boon which we warranted as a blessing, perverted into a calamity and a curse [Cheers].

Mr. *W. Smith* said, that this was a very grave subject, and except when, as on the present occasion, it was mixed up with certain questions of law, he deprecated its discussion in that House; and, even under such circumstances, it ought not to be frequently agitated. He could not help thinking that these subjects were always better conveyed through the medium of the press than by a debate in that House, where the discussion was necessarily limited, and angry and violent feelings were likely to obtrude. He could assure the House, that no man felt more disgust than he did at the publications for which Carlile had been prosecuted; but, at the same time, he thought that liberty of conscience without the liberty of divulging one's opinions, was a poor and imperfect privilege. The only question raised that night was simply this—whether all manner of treating religious subjects should be allowed in controversy. He had long thought upon this subject; and the result of his reflections was, the conviction that it would be better to leave such matters to the general opinion of society. He then urged the impossibility of establishing a safe test of opinion for the penal guidance of society. What in England they thought moral and just, might not be equally so considered in India. The Brahmin who, from motives of religion, sanctioned the burning of Hindoo widows, might, if left to his decision, consign to the same flames the Englishman who complained against so cruel and irreligious a practice.

Mr. *T. Wilson* trusted, that the House would show, by its vote of that night, that its opinion was not in unison with those which had been expressed by the hon. member who spoke last. He thought that the minds of the people had been poisoned by the blasphemous publications which had been spread abroad. The lower orders would eagerly imbibe the poison, but would not seek the antidote.

Mr. *Money* opposed the motion. Since parliament and different societies had done all in their power to disseminate the blessings of education, care ought to be taken that those blessings should not be abused. His principal object in rising was, to do justice to an individual who had been alluded to during the debate—he meant Mr. Owen. An hon. member had said, that Mr. Owen disbelieved in a future state. He had communicated with Mr. Owen, and he had great reason to believe that the hon. member had mistaken the opinions of Mr. Owen. He begged the hon. member to state in what part of Mr. Owen's works he found that opinion promulgated.

Mr. *Ricardo* said, that the last act he would commit would be to misrepresent the opinions of any individuals. He had gathered Mr. Owen's opinions from the works which he had published. After reading the speeches which Mr. Owen had delivered in Ireland and other places, he had come to the conclusion, that Mr. Owen did not believe in a future state of rewards and punishments. It was one of the doctrines of Mr. Owen that a man could not form his own character, but that it was formed by the circumstances which surrounded him—that when a man committed an act which the world called vice, it ought to be considered his misfortune merely, and that therefore no man could be a proper object for punishment. This doctrine was interwoven in his system; and he who held it could not impute to the Omnipotent Being a desire to punish those who, in this view, could not be considered responsible for their actions.

Mr. Secretary *Peel* complained, that an hon. member had assumed, that the House was prepared to go a very considerable way in accordance with the views of the hon. member for Aberdeen. He, for one, was not prepared to advance one step along with the hon. member. He objected to his motion altogether. He disliked the form in which the hon. member had brought the question before the House. The practice of proposing resolutions declaratory of the opinion of the House had, he was sorry to see, become very prevalent of late. If the hon. member considered the law which subjected individuals to punishment, improper or unnecessary, why did he not move for its repeal? In the resolution which the hon. member had proposed, he first declared that free discussion had been attended with more benefit than injury, and then said that it was inexpedient to subject individuals to legal punishment on account of the expression of their opinions on religious matters. If the first part of the resolution was true, the second was quite unnecessary. If there had been, as the hon. member assumed in his resolution, free discussion, what more did he desire? To be consistent with himself, the hon. member should have framed the resolution in a prospective sense, and said, that more benefit would arise, &c. With respect to the petition, he must say that he had never read any thing more absurd or sophisticated. It commenced by stating, that the petitioners had a strong sense of the benefits which resulted from a belief in the Christian religion, and afterwards expressed a wish that the laws might be repealed which prevented individuals from attacking and endeavouring to destroy that religion. He was satisfied with the law as it stood, and would not consent to change it. He could conceive that cases might occur, in which it would be impolitic to put the law in force. That was a matter of discretion. But if it could be shown that, in a dozen cases, the discretion had been abused, it would not determine him to put aside the law altogether. He would not consent to allow men, who, from sordid motives, endeavoured to undermine the religion of the country to go unpunished.

Mr. *Hume* said, he would not press the House to a division.

The motion was then negatived.

HOUSE OF COMMONS.

Wednesday, July 2.

NEW SOUTH WALES JURISDICTION BILL.] Sir *J. Mackintosh* said, he rose to present a petition from Mr. Eagar, a merchant and inhabitant of the settlement of New South Wales against two provisions in the bill then in its passage through the House, for the better government of that colony. The first provision against which the petitioner prayed, was that which deprived an English subject of his right to the trial by jury, by the substitution of a court martial, composed of a prescribed number of army and navy officers, selected by the governor, and by a strange perversion of language designated a jury in the present bill. The second clause to which the petitioner claimed the attention of the House, was that which gave to the governor of that colony the extraordinary power, on the affidavit of an unknown informant, to send a British subject from his residence in that settlement over three quarters of the globe, to England without trial, or any defence allowed on the part of the subject. Against those two provisions in the bill, the petitioner prayed to be heard by counsel at the bar of that House. He could not, under the circumstances, anticipate any objection to so reasonable a request. If it should be communicated to him that there would be no objection, he should present the Petition without further comment; but if that assurance was not given, it would be his duty to make some further observations on the character and tendency of these two very extraordinary provisions.

Mr. *Wilmot Horton* said, he could not consent to such an application.

Sir *James Mackintosh* said, that after the intimation which he had received from the under secretary for the colonies, it became necessary to advert to the effect of these provisions on a numerous body of British subjects, whose interests were undefended in that House, and whose present claims and future prospects were seriously affected by them. The colony of New South Wales had ceased to be a mere receptacle for convicts. It had latterly grown into considerable importance, and was rich in all the capacities which promised eventually a high destination. Its inhabitants were composed of a greater number of European origin, than was to be found in the whole of our Asiatic settlements. Independently of the 20,000 convicts whose situation was not affected by the bill, there were the free settlers and the freedmen. The first class amounted to 4,000, the second to 7,000. There was, besides, that numerous class, the progeny of convicts, born in the colony—persons whose innocence was unquestioned, and whose claims to the protection of British law were not vitiated by any misconduct of their parents. It was no argument to say, that heretofore these rights were overlooked in the administration of the colony. The parliament were now taking the first step in legislating for its interests, and it therefore was the more incumbent on that House not to entwine around such a principle the shoots of tyranny and arbitrary power. On what ground could it be contended that the 4000 English settlers were to be outlawed? And to similar rights were the emancipated convicts or freedmen, and the population born in the colony, entitled. No doubt it would be said, by those who supported those strange provisions, that we should recollect we were providing a system for a population, a great proportion of which had been convicts. Now, that very consideration was decisive with him not to grant arbitrary and unjustifiable powers to a governor. If he were to choose a situation where those powers were the most likely to be cruelly and wantonly exercised—where the danger and mischief resulting was most likely to be aggravated—it was precisely with a population so constituted. Let it not be pretended, that it was not the intention of this government to give trial by jury to New South Wales. The contrary expectation had been held out by governor Hunter, and after him by governors Bligh and Macquarrie. Neither could it be pretended that the settlement could not furnish a sufficient number of qualified persons from among whom juries could be formed. There were 3,000 landholders settled there, having between 50 and 60 acres each. The new regulation went to compose the juries of a majority of naval and military officers, from those who might happen to be on the station. It was plain that there might occur a deficiency of members, on account of the regulations of the service, or the particular stations of the ships, while no such circumstance could be dreaded with respect to the landholders. The other clause, which gave to the governor the power on the oath of an unknown informant, to transport a man from his family and business to Great Britain, on the mere charge of conspiracy or treason, was calculated to excite the abhorrence of every lover of the British constitution. To place the liberty and comforts of thousands of English subjects at the will of a governor, whose fatuity or whose malice might be worked upon by concealed accusations, was one of the most revolting propositions ever made; and if that House sanctioned it, it would be unworthy of the people whom it represented—a people whose glory, and whose principal source of national greatness, sprung from the love and the enjoyment of popular securities. He condemned in strong terms the illiberal system of Government, which inflicted on some classes unnecessary degradation and ignominy, and which, by encouraging the insolence of some orders of society, was likely to excite the vengeance of the majority of the population. He thought that invidious distinctions ought to be abolished, and the people generally admitted to the benefits of the British constitution, and above all to the enjoyment of the invaluable privilege of the trial by jury, by which means the interests of civilization would be most effectually promoted. He would now move that the petition be brought up and read, and he would afterwards move that the petitioner be heard by his counsel, before the committee on the said bill."

Mr. *Wilmot Horton* could have wished that the hon. gentleman had reserved his observations for the regular stage of discussing the bill, instead of incidentally arguing the merits of the question upon presenting a petition. The hon. gentleman must excuse him if he declined to follow so inconvenient a precedent, or to discuss with him now the propriety of practically applying the theory of the British constitution, and the institution of trial by jury, to a state of colonial society so essentially different from that of the parent country. As to the bill, he considered it necessary for the purpose of giving effect to the report of the parliamentary commission, and did not see that there was any ground for hearing the petitioner by his counsel.

Mr. *Bright* said, that the petition, complaining as it did of the non-introduction of the trial by jury into a British colony was most worthy of the consideration of that House. He regarded the trial by jury as quite necessary for the freedom and civilization of the colony. The real question in this case was, whether the colony was to remain to them a useful auxiliary, or become a source of inquietude and danger. The principle of the colonial government ought to be to amalgamate all the classes of society in the colony; and what better mode of doing so could be devised, than securing for them that invaluable privilege which brought the rich and the poor into an honourable contact.

Mr. *Marryat* thought it important that time should be allowed for ascertaining whether this bill was as perfect as it ought to be. As to the benefit of the introduction of the trial by jury, he looked on it as doubtful, in the present state of the colony. He was of opinion that several of the regulations in that government were harsh, and injurious to the principles of civilization; and he therefore thought the petitioner ought to be heard by his counsel.

Mr. *Forbes* was of opinion, that some clauses in the bill were objectionable. He defended the administration of governor Macquarrie, and objected to the report of commissioner Bigg, on which the bill was founded, and on which no confidence could be placed. He thought the instructions to that commissioner ought to be laid on the table; for the purpose of ascertaining how far he had complied with or exceeded his instructions. On the whole, he thought more time ought to be allowed for the consideration of the bill.

Mr. *R. Colborne* vindicated the conduct and character of commissioner Bigg, than whom, he said, a more honourable man did not exist. He could assure the House he had not been appointed to that situation by earl Bathurst on account of personal acquaintance, but because he had filled with credit an official situation in the island of Trinidad.

The petition was ordered to lie on the table.

Sir *J. Mackintosh*, in rising to move that the petitioner be heard by his counsel, called the attention of the House to the important fact, that if the bill passed with the clauses which it at present contained, 8000 freemen were liable to be transported without trial, at the mere will of the governor. If the House should, after this statement, refuse to hear the counsel of persons who had so deep an interest in the measure, let the fault lie with them. For his own part, he would enter a practical protest against such a proceeding, and would call for a division, even though he should stand alone.

Mr. *Wilmot Horton* said, it was intended, in the Committee, to introduce a clause by which the operation of the bill would be so limited, that instead of extending to 8,000 individuals, it would scarcely extend to as many hundreds. In fact, it would operate only on those who had just completed the term of their transportation.

Mr. *Hume* observed, that according to the hon. gentleman's own shewing, the bill would deny to any person who had completed his term of punishment, and who ought therefore to return to all the rights of an Englishman, the enjoyment of those rights.

Mr. *Marryat* remarked, that the question for the House to determine was, whether they would see with their own eyes or with the eyes of the executive government? He had great confidence in the disposition of the colonial department to abstain from any act of injustice, but he could see no reason for objecting to hear counsel. If the argument in support of the petition should prove invalid, it would have no effect on the House; if, on the contrary, it should prove valid, it ought to induce them to pause before they acquiesced in the measure.

The House divided: For the motion 47. Against it, 60.

CAPTURE OF THE SHIP REQUIN IN THE GARONNE BY MR. OGILVIE.] Mr. *Fowell Buxton* rose, in pursuance of his notice, to move that the papers presented to the House, on the 19th of June last, relative to the capture of the ship Requin, in the river Garonne, in March, 1814, by Mr. Ogilvie, a commissary with the British army in the peninsula, be referred to the consideration of a Select Committee. The hon. member said, that he proposed, with the permission of the House, to lay before it a brief statement of the claims of Mr. Ogilvie, by whom the vessel had actually been taken. In the year 1814, in consequence of the succession of brilliant victories achieved by the British in the peninsula, the army under lord Beresford, who was then second in command, became masters of Bourdeaux. Mr. Ogilvie was directed by lord Beresford in the execution of his duty as a commissioned officer, to proceed in a boat, accompanied by one of his clerks, and take possession of the vessels in the Garonne. That gentleman accordingly proceeded to execute this commission and had discharged it; when the clerk suggested to him, that some vessels might possibly be stationed lower down the river. Upon which, Mr. Ogilvie, having engaged ten French royalist sailors, directed them to row down the river. This they accordingly did; and when they had proceeded about two miles, they discovered on turning an angle of the river, two vessels lying near the shore, one of which was evidently a ship of war, and the other a merchantman. The sailors who were in the boat immediately recognised the ship of war to be an American privateer, called the Requin, which had been very successful against the English merchant-vessels. As the Requin had a number of guns, Mr. Ogilvie immediately retired behind a neck of land. And here he (Mr. Buxton) was ready to admit, that but for some further information which Mr. Ogilvie received, he would not have attempted the capture. But, just at that moment, he saw a boat put off from the Requin; which he succeeded in capturing. In this boat was the gunner of the Requin, from whom he gathered that, owing to various circumstances, the ship's force had been very much diminished, and that it did not then amount to more than fifteen or twenty hands. The attempt to take the vessel, even under these circumstances, was an extremely hazardous one; but Mr. Ogilvie, nevertheless, resolved upon making the attempt. He promised a considerable reward to the few men with him, and taking the helm himself, and being favoured by the tide, he proceeded to the Requin, unperceived by the crew. Mr. Ogilvie immediately sprang on board, and called out to them to surrender, when the sailors on deck, concluding that he had a considerable force with him, ran below. The captain of the Requin shortly after came up from the cabin unarmed. Mr. Ogilvie demanded to know whether he surrendered. The captain also supposing that Mr. Ogilvie had a considerable force with him, against which resistance would be unavailing, surrendered. By Mr. Ogilvie's management, it was arranged, that two or three of the crew should come up at a time; and, as they came up, they were hoisted over the side, and all safely secured in the boat; and in a quarter of an hour the vessel was in his possession, one wounded sailor and the captain being alone left on board the Requin. Mr. Ogilvie then directed his clerk to make the best of his way with his prisoners to Bourdeaux, and to return with a sufficient force to carry up the vessel. Mr. Ogilvie was then left on board the Requin, where he remained for four hours, until the boat returned with some soldiers, into whose possession he put the ship, and returned to Bourdeaux. During this time, he was lying within one hundred yards of the shore, and one hundred and fifty yards of a village, in which a detachment of the enemy's cavalry was stationed; and, if they had had the slightest intimation of the affair of the vessel being taken by the British, nothing could have been more easy than her recapture, and Mr. Ogilvie's life would have been in imminent danger. On reach-ing Bourdeaux, Mr. Ogilvie stated what he had done to an officer of great distinction, colonel Ponsonby. The American captain confirmed all his statements, and added, that it had been his intention to proceed to sea the next tide, which would have been in three or four hours. This was the outline of the case; but, if the House required any confirmation of the details, he was able to afford the fullest and the most satisfactory. One was a letter from colonel Ponsonby, of the 12th regiment of light dragoons, in which that distinguished officer declared, that it was one of the bravest exploits that was ever achieved. He had also the testimony of sir R. Arbuthnot, major Annesley, and others; all of whom spoke of the success of the capture as attributable entirely to the courage and conduct of Mr. Ogilvie. There was only one point admitting of any doubt. It might be said, that the enterprise was certainly one of great hazard, but that it was an act of superfluous intrepidity, as the river, if not entirely in the possession of the British, would have been so on the following day. In opposition to this, he had to state the fact, that seven and twenty sail of American merchantmen had escaped on the preceding night. Then there was the declaration of the captain of the Requin, that he had intended to sail the next tide. Then there was the conclusive circumstance, that the British merchantman which had been taken by the Americans actually escaped that night, and was never recaptured. Lastly, there were the orders sent on that very day by the duke of Wellington to rear admiral Penrose, requiring the ships of war to come up the river; as, until that was done he had not the command of it. Then came the question, to whom the prize belonged? If Mr. Ogilvie had been a private individual, there could be no doubt on the subject. But Mr. Ogilvie was not a private individual. He was a commissary attached to the army. The prize might be considered under one of two views; either as a droit of the admiralty, or as booty. He was quite ready to admit, that in either case, it belonged, in the first instance, to his majesty; but then that right was controlled by regulations which had been made upon the subject. When a prize was held to be a droit of the admiralty, the general rule was, to give the captors a half, sometimes two-thirds, and occasionally even nine-tenths. If it were held to be booty, the duke of Wellington had previously issued an order, that every thing taken in that way should be divided among the captors. There had been many cases among them, the capture of a quantity of wool, and the capture of a quantity of money—in which that division had taken place. If it were considered, that it was merely the act of an individual, not a commissioned officer, and therefore not entitled to a share of the prize; there was a case of a person, a Mr. Stone, who, after the Isle of Bourbon had been taken from the French, having been left in custody of the transports, saw a French vessel come unsuspiciously into the harbour, in ignorance of what had taken place, and immediately collected some men together and captured her. By an order signed, "Liverpool, N. Vansittart, and Lowther," half the prize was given to the captors. All that he wished was, that Mr. Ogilvie should be treated in the same manner as other officers had been. And, on either of these points, he was ready to rest his case. He had no interest whatever in the transaction. He was only anxious, that a gallant and meritorious individual, who had risked his life in an enterprise in which he had completely succeeded, should receive the reward due to his exertions. He would therefore now move, "That the papers presented to this House the 19th of June last, relating to the capture of the ship Requin, in the river Garonne, in March 1814, be referred to a select committee."

Colonel *King* wished to state the reason why he, a mere tyro in the House, should come forward to second the motion. The reason was, that he had known Mr. Ogilvie for five-and-twenty years, and had the greatest regard for him, and the greatest respect for his character. During the years 1809, 1810, 1811, and 1812, he had served with him, in the peninsula, and that gentleman had there conducted himself in a manner which drew upon him the highest approbation of all who witnessed it. When the army was placed in circumstances of the greatest difficulty, Mr. Ogilvie by his activity and perseverance, had materially contributed to furnish it with the necessary supplies. In corroboration of these statements, the hon. member read the testimonials of several distinguished officers, among whom were sir W. Stewart, major-general D'Urban, &c. All that he wished was, that some adequate compensation should be granted to Mr. Ogilvie, for the brave enterprise which had been described to the House by the hon. member for Weymouth. Mr. Ogilvie did not come there to claim a reward for the discovery of the longitude; he did not come there to claim a reward for the discovery of the quadrature of the circle; he did not come there to claim a reward for the discovery of the philosopher's stone; he did not come there to claim a reward for the discovery of the perpetual motion; he did not come there with any claim similar to that of her royal highness the princess Olive of Cumberland;—but he came there, as a British officer, to claim that reward which was due for an action of singular zeal and bravery. If the House knew Mr. Ogilvie and his merits, he was sure they would not hesitate a moment on the subject. He trusted, that in the present case, the old adage, "might overcomes right," would not prove true. He trusted that this gallant and meritorious officer would not be turned adrift, without the means of sustaining the character of a gentleman, after he had spent so many years in the service of his country. He had heard that there was, in a certain high quarter, an indisposition towards granting Mr. Ogilvie's claim. He could not believe that it was so: and he hoped the illustrious duke, who had had an opportunity of witnessing Mr. Ogilvie's merits, would express in that quarter the good opinion which he entertained of him. But, whatever might be the sentiments elsewhere entertained, he trusted that in that House the full force would be felt of two words, with which he should conclude—Fiat Justitia!

The *Chancellor of the Exchequer* begged to assure the hon. member who had introduced the present subject, and the gallant gentleman who supported him, that in opposing the motion, he did not wish in the least to detract from the merits of Mr. Ogilvie, either generally as a commissary, or particularly with respect to the transaction now before the House. But he must say, that the general merits of Mr. Ogilvie, as a commissary, had nothing to do with the question they were then called on to consider. If that were the case, the only point to ascertain would be, whether Mr. Ogilvie had received adequate remuneration for the services he performed? But, in the present instance, the question was, whether, having captured the vessel called the Requin, he was entitled to claim her as his exclusive prize? There were some circumstances, however, which ought to be taken into consideration before the House came to a decision on that claim. Mr. Ogilvie had captured that vessel when engaged in the execution of his duty as commissary; namely, in securing possession of several vessels which had fallen into the hands of the English on the taking of Bourdeaux. Now, there were at that time no less than 12,000 troops stationed in Bourdeaux, and in consequence, so far was the escape of the Requin from being possible, that all the ships captured, were actually impounded. It was, indeed, very clear, that this vessel was skulking, although she could not have escaped, at the time Mr. Ogilvie took her by a *coup-de-main*; but, however willing he was to acknowledge the gallantry of that gentleman, there was nothing extraordinary in the action. That, however, was not the only ground on which he should oppose the motion. Mr. Ogilvie was entitled to his share of prize money, as well as all other persons similarly employed; and his standing in the service would, he believed, place him in that respect on a level with a major in the army. All the booty taken in those campaigns, was, with a view to its distribution, valued, and on a fair estimation of every article, was found to amount to 800,000*l.*, which sum parliament afterwards granted, in lieu of all the captures which had been made; and of this 800,000*l.*, Mr. Ogilvie obtained his share. The only question, therefore, to ascertain, in order to decide the present claim, was, whether the value of the Requin was included in the above grant? If the House then would refer to papers, they would find a letter from Mr. Ogilvie and colonel Eckersley to the duke of Wellington, and written on the 10th of June, 1814, in which it was stated, that they had estimated all the property which fell into the possession of the English in the campaigns alluded to, and valued it at 800,000*l.* Then followed a list of the vessels captured, among which was, first, a ship of war, estimated at 18,000*l.*, and then, the Requin, also estimated at 18,000*l.* It thus appeared, that those very two vessels, for one of which the present claim was set up, were actually included in the booty. He could not, therefore, see on what ground a separate claim for the above vessel was now advanced. But the hon. gentleman opposite, and Mr. Ogilvie himself, had laid some stress on what they considered the practice of the duke of Wellington, with respect to the distribution of booty, and seemed to conceive, that his grace sanctioned the claims of individuals to what they had themselves captured. Now, he was enabled to read a letter from the duke of Wellington to Mr. Ogilvie, written in 1820, in which his grace denied that he had ever acted on such a principle. The public, his grace continued, had already allowed a sum of money for the booty taken, and as Mr. Ogilvie had shared that sum, he could not expect any further prize-money for the capture he made. The letter then proceeded to say, that Mr. Ogilvie, and the men who acted with him in taking the Requin, had done no more than their duty, and that so far from his grace having ever given to individuals the booty which they obtained, he always shared it among the troops generally. He had read these passages from his grace's letter, to show, that the principle on which Mr. Ogilvie brought forward his claim, had never been sanctioned by the duke of Wellington. The hon. member opposite had also alluded to the opinion of colonel Ponsonby; for the talents of that distinguished officer, he had the highest respect, and he had no doubt but that he felt anxious that Mr. Ogilvie, as well as every other individual connected with the service, should be properly rewarded. Lord Dalhousie had also been alluded to, but in his letter of the 29th of August, 1815, he merely said, that "the army was indebted to Mr. Ogilvie, for the capture he had made:" from which it was manifested that his lordship considered it a part of the general mass of booty, the value of which was to be distributed among the troops generally. Having thus stated the grounds on which he resisted the present motion, he had no hesitation in adding, that it would be monstrous injustice to sanction Mr. Ogilvie's claim, if the House was not prepared to say, that in all campaigns, by sea and land, each individual was entitled to the booty which he might secure.

Mr. *Hume* observed, that Mr. Ogilvie had stated several instances in which individuals were allowed the exclusive enjoyment of the booty they obtained. He wished to know from the chancellor of the Exchequer, whether he was aware that such cases had occurred, for he should consider Mr. Ogilvie's statements, if correct, as better evidence on the present question, than the simple letter of the duke of Wellington. The reasons, however, stated in the duke's letter he considered conclusive, as to what ought to be the general practice of the army; but if his hon. friend showed, that claims similar to Mr. Ogilvie's had been allowed, it was an argument in favour of the present motion.

The *Chancellor of the Exchequer* was not aware of the cases referred to having taken place; but he knew that when booty was obtained by a particular detachment of the army, it was divided among that detachment.

Colonel *Davies* thought that nothing could be more injurious to the discipline of an army, than to allow individuals to possess the booty which they might obtain by marauding.

Mr. *Buxton* replied. Mr. Ogilvie, he said, had received but 75*l.* 14*s.* as his share of prize money for capturing the Requin; and from the commencement, he had considered himself entitled to the full amount of its value. In proof of this, there was the deposition of Mr. Potts, an attorney, whom Mr. Ogilvie had employed to issue what was called a libel against that vessel, three weeks after she had been taken. He had also paid the prize master of the Requin for a period of four years; and was so universally supposed to be the owner of the ship, that the duke d'Angoulême applied to him for a loan of her, which he obtained. Upon the whole, he should persist in his motion.

The House divided. For the motion 19; Against it 40.

BUDGET.] The House having resolved itself into a committee on the 14,700,000*l.* Exchequer Bills bill,

The *Chancellor of the Exchequer* said, he felt on every account the propriety of compressing the observations which he had to make on the present occasion into as narrow a compass as possible. He knew how much the House had been fatigued within the last two weeks, and he might himself say that, individually, he had experienced the full effects of that fatigue. He should, therefore, proceed without further preface, to lay his statement before the committee. As, at an early period of the session, he had explained the situation in which the Finances of the country stood, and the course of measures which his majesty's government intended to recommend to parliament for adoption, and as he had since been enabled by the House to carry those measures into effect, he should not at present repeat any of the observations which he then made. At that time he had stated what was the aggregate amount of the revenue, and also the aggregate amount of the expenses of the nation. Now, however, he should take a more limited view of our situation, and confine himself to a recapitulation of the Votes of Supply which had been come to in the course of the session, and the Ways and Means which parliament had provided to meet that supply.—He had stated, at the commencement of the session, that the total amount of the supply would be about 16,600,000*l.* Gentlemen, however, would now find, from the papers laid before them, that the supply exceeded the above sum by 2 or 300,000*l.* He should, he trusted, be able to account satisfactorily for that excess. It did not occur in consequence of any increase in the estimates for the Army or Navy or the Ordnance, but the whole had arisen under the head Miscellaneous Expenses, and the items which caused it were such as had not entered into his contemplation when he before addressed the House on the present subject. One of these items was a vote of nearly 60,000*l.* for the Stationery Office. This vote was in consequence of arrangements which had been lately made for supplying the public departments with stationery, and which, though attended with an extra charge at present, would afterwards conduce to great economy. Formerly, each department provided itself with whatever stationery it thought necessary; but an alteration had been made, by which no stationery was to be furnished but according to particular samples approved of by the Stationery Office, and by that means the total expense (which antecedently was divided among the different public departments) would come under one head. Although, therefore, an increase appeared at present in the expense of the Stationery Office, there would be a corresponding saving in the expenses of all the departments under the head of contingencies. The full advantages of this alteration would not be felt this year, on account of the navy and military departments having provided themselves with stationery before the new arrangement took place; but next year the public would derive considerable benefit from it. Another item which he had not anticipated at the commencement of the session was, the grant for his majesty's library. There was also 40,000*l.* for the harbour of Dunleary; and 15,000*l.* for facilitating emigration from Ireland, which not being contemplated at the commencement of the session, had the effect of increasing the amount of the supply, by the sum already stated. It was, however, satisfactory for him to be able to inform the committee, that although there was such an increase in the supply, there was more than a corresponding increase in the amount of the Ways and Means. The whole of the supply now amounted to 16,976,743*l.* The way in which these expenses were met, was by three millions of what in the printed papers were, by mistake, termed annual Malt Taxes, but which were, in reality, duties on sugar and other articles. Then there was the lottery 200,000*l.* and 126,873*l.* repayment by Exchequer-bill loan commissioners. Next was the amount of naval and military pensions, 4,800,000*l.*, and 90,000*l.* to be paid by the East India Company, on account of half-pay and pensions. This item he wished shortly to explain, and in doing so he had great pleasure in stating, that the East India Company acquiesced in the arrangement, as one perfectly equitable. It appeared to them perfectly reasonable, that as they had a large portion of the British army employed in protecting their territory, they should become liable to some part of the half-pay and pensions with which the country was chargeable on account of the army. There was some difficulty in fixing the fair proportion which the Company ought to pay; because many of those who were pensioned, or put on half pay, while their regiments were in the East Indies, might have become entitled to those pensions, or to half-pay, before they had gone to that part of the world. He thought, however, he might safely say that the arrangement ultimately concluded was both just as it regarded the public, and liberal as it regarded the East India Company. They had agreed to pay 60,000*l.* a year, which at present he had taken credit for in the Ways and Means, but whether another disposition of that sum should not hereafter be made, as, for instance, whether like the amount received for old stores, it should not be deducted from the expense of the army only—he had not yet decided. The sum which under this head he had now to apply as Ways and Means, was 90,000*l.* in consequence of the East India Company having consented to commence their payments from May, 1822. The next item was a surplus of Ways and Means of 469,047*l.* not called for by the expenses of past years. There was also a surplus on the Consolidated Fund of 8,760,000*l.* It was a long time since a Chancellor of the Exchequer had had it in his power to include a surplus of the Consolidated Fund in his Ways and Means; and certainly it was very agreeable to him that, in the commencement of his official career, that duty had devolved on him, particularly when the surplus amounted to so large a sum. The circumstance to which it was owing that so large a surplus of the Consolidated Fund now existed, was the arrangement lately made with respect to the Sinking Fund, by which the charge on that fund was reduced to its proper amount. In the early part of the session he had stated, that the annual income of the Consolidated Fund might be taken at 46,000,000*l.*, and the expenses at 38,000,000*l.*—28,000,000*l.* of the latter sum was for the charge of the Funded Debt, 2,000,000, for the expenses of the Civil list and other charges, 2,800,000*l.* for the payment of the half-pay and pension annuities, and 5,000,000*l.* of Sinking Fund, which, with a few small items amounted in the whole to 38,500,000*l.* A surplus thus remained of about eight millions, and he had the satisfaction to say that, in making this statement, he had not taken as a criterion the receipts either of last year or of this year, but the probable receipts of next year, after deducting the amount of taxes repealed during the present session. The result of the whole was, that the Ways and Means for this year amounted to 17,385,920*l.*, and, by deducting from that sum the total amount of the Supply, which was, 16,976,743*l.*, no less a surplus than 409,177*l.* would remain unappropriated, but 244,150*l.* of which, it was intended to apply to the decrease of the unfunded debt. He thought it a very satisfactory circumstance, that he was enabled to make such a statement to the committee. It appeared to him extremely desirable, that something unappropriated should always remain in hand to meet unforeseen emergencies, and that the revenue should not be paired down exactly to the expenses of the country. He might also observe, that owing to the late alterations in the distillery, he had, in the foregoing statement, calculated on a loss of revenue from spirits; he, however, had no doubt but that deficiency would be soon compensated by the operation of the measures alluded to.—He was happy to say, that besides this a surplus existed to meet the passing contingencies of the country. A large sum of assessed taxes had been lost to the revenue. They were now nearly two quarters in arrear, and three quarters would soon be received and added to the sum now stated, which would leave an additional surplus. He said this for the purpose of shewing the House, that there was no reason to fear a defalcation in the amount of the approaching quarter.

Perhaps it might not be altogether unsatisfactory for him to allude to the present state of the revenue, in order to shew that he was justified in the comparison he had made of the first half of this with the same portion of last year. The account of the receipts in the first part of the present year, began on the 5th of January, and concluded on the 28th of June, while the account for the first part of the year 1822, began on the same day and ended on the 5th of July, by which the whole of the half year came into the account, and it was generally known that the last days of the quarter were by no means the least productive. He should satisfy the House that the revenue, instead of falling short, actually exceeded this year the produce of the same period in 1822. In the Customs the account was as follows:—

From the 5th of January to 28th June, 1823 ……		4,026,661
In Bills and Cash ………	79,191	
Receipt from June 28 to July 4, (16,000*l.* per diem)	80,000	
		159,191
		4,185,852
Half year ending July 5, 1822 ………………		4,045,987
Estimated increase to July 5, 1823 ………………		139,865

This was independent of the amount of tonnage duties, which produced last year a sum of 66,000*l.*, and which were now repealed. In the Excise, too, a considerable improvement had taken place in many articles, while in others the account was not so satisfactory. However, on the whole, he trusted, that the improvement would not appear unimportant. The difference between the two years would appear by the following estimate of the Excise revenue for the half year ending July 5, 1823, compared with the actual receipt of the corresponding period of last year.

Payments to the 5th of July, 1822		12,125,136
Actual payments from the 5th of Jan. to the 1st of July, 1823	10,571,081	
Estimated payments from the 1st to the 5th of July,	658,000	
		11,221,081
Deficiency on the half year		896,655
Actual loss on the half year upon articles on which the duties have been reduced.		
Hides	135,688	
Malt, including 270,000*l.* repayment on account of stock in hand	450,637	
Salt	465,550	
		1,051,875
Actual increase		155,820
In addition to which the repayment on account of malt duty previously accounted for amounted to 270,030*l.*, which is included in the above sum of 450,637*l.*; and if no such repayment had been made, the increase of revenue would have been		425,820

The result as to the revenue derivable from Stamps, the Post-office, and the Assessed Taxes, appeared to be equally satisfactory. While the revenue was thus improving, the ministers had also been able to effect a gradual reduction of the debt, and this reduction had been progressive from the 5th of January, 1823, on which day, the unredeemed debt amounted to 796,530,144*l.* The following account would show to what extent it had been reduced from the 5th of January to the 30th of June, by the commissioners for its reduction:—

		£
By Sinking Fund	England	1,834,535
	Ireland	172,382
Transferred for Life Annuities		334,883
Ditto, Land-tax, estimated		24,000
Ditto, unclaimed 10 years		14,432
Purchased with Unclaimed Dividends		19,100
English Debt, decreased by capital transferred to the debt in Ireland		797,138
		3,196,470
Deduct Irish Debt increased by capital transferred from England		797,138
Total redeemed		£2,399,332

The amount of debt remaining unredeemed was 794,130,812*l.* It was necessary to observe, that whilst the reduction which he had stated was going on, no corresponding addition had been made to the debt. The reduction which had been effected was clear reduction. Besides the capital redeemed and transferred as above, there was paid to the Bank, towards the redemption of Exchequer bills, per 3 Geo. 4th. cap. 66—

	£
January 8, 1823	340,000
April 8	340,000
To be paid July 5	340,000
	1,020,000

Thus it appeared, that there had been a clear reduction of debt to the amount of upwards of 3,000,000*l.* The committee was aware that it was the custom to issue deficiency bills to meet the demands on the consolidated fund. On the 5th of January, 1823, the deficiency bills amounted to 5,920,354*l.*; but on the 5th of April, the period when the last account was made up, they had been reduced to 3,793,291*l.* There was a reduction, therefore, of more than 2,000,000*l.* under that head. Whilst this reduction of debt had been in progress, the government had also effected a considerable reduction of taxation. Perhaps the committee would not be unwilling to hear the extent to which the reduction of taxation had been carried during the last two years, for he would confine himself to that period. If the hon. gentlemen opposite chose to attribute the diminution of taxation to their exertions, he would not dispute with them. He would not contend for the merit of the act; it was sufficiently gratifying to him to know, that notwithstanding the government had made great sacrifices of revenue, yet nevertheless the resources of the country were so solid and substantial, that they enabled the government to provide amply for the public service, and at the same time to effect a progressive reduction of the debt. Within the last two years reductions had taken place of the undermentioned taxes, to the following amount:—

	£
Husbandry horses	480,000
Malt	1,400,000
Salt	1,295,000
Hides	300,000
Assessed taxes	2,300,000
Ditto, Ireland, about	100,000
Tonnage duty	160,000
Windows—Ireland	180,000
Spirits—Ireland	380,000
Ditto—Scotland	340,400
	£6,935,400

Reductions had also been effected upon minor items of taxation, which, though unimportant in amount, were of great benefit to the parties by whom those taxes had been paid. He alluded to all the reductions to be found in the bill in progress relative to Customs. One of the most important parts of the bill was that which provided for the reduction of the duty on stone carried coastwise. He might also advert to another circumstance which would diminish the amount of taxation—he meant the repeal of the Union duties in Ireland. It could not be denied that the repeal of those duties would be prejudicial to the interests of some persons, but it would enable the people of Ireland to obtain some articles of British produce 10 per cent below the price which they at present paid for them. If the smaller items of reduction to which he had thus briefly alluded were added to the sum which he had before stated, it would make a total of about seven millions and a half. He wished to say a few words with respect to Ireland. No one could look at the manner in which parliament had conducted itself with respect to the taxation of Ireland, without being convinced, that whatever differences of opinion might exist with respect to the moral and political causes which operated in that country to produce misfortunes which it was painful to dwell upon, in a fiscal point of view, at least, it had given a most liberal attention to the wants of that unhappy country. Among other measures connected with the finances, he might advert to some bills which had passed through the House without comment—a proof that their principle was approved—for uniting the boards of Customs and Excise, and assimilating their practice in both countries. The effect of those bills would be no less advantageous to merchants, than to the public in general.

He did not know that he had now any thing further to state to the committee. He did not feel justified in saying any thing with respect to the future: but he might be allowed to say, that he considered the revenue in a flourishing condition. He thought, too, that no man could doubt that the finances of the country were in a state of progressive improvement. Under these circumstances, he could not but anticipate that government might be enabled to extend the principle of reduction of taxation still further than it had been already carried. Government would do all that could be done to reduce taxation, provided it was not overpressed. He was not ashamed to avow that in his opinion theories which every body allowed to be unobjectionable, might, when they were attempted to be carried into practice too rapidly, with respect to such an enormous concern as the revenue of this country, be productive of the greatest mischief. If government were allowed to proceed in a moderate course, he had very little doubt that it would find, in consequence of the acts of reduction which had taken place, the means of extending relief from taxation still further. He felt it to be his duty not to say any thing more specific on the subject. He was aware that many honourable members had, during the present session, directed the attention of government to several taxes of great importance, which they desired to obtain the repeal of. Some of the taxes which had thus been alluded to were of very great importance, connected as they were with the necessity of preventing smuggling. He felt that he should be doing wrong if he were at that moment to express any opinion with respect to the repeal of those taxes. He would, therefore, content himself with the declaration of the general principle on which government was desirous of proceeding. He was glad to have received from the House the most liberal support of the views which he and the rest of his majesty's ministers had entertained; and he trusted that the House had no reason to think that their support had been improperly bestowed. He had taken pains to ascertain the feelings of the country, with respect to the course of policy which ministers had pursued; and he had found that the people generally were completely satisfied with it, and as long as that was the case he should also be satisfied.

Mr. *Maberly* congratulated the House

on the candid statement which they had just heard from the right hon. gentleman. During the whole time that he had been a member of that House, he had never heard such an open, fair, or candid statement; and, indeed, it appeared to him, that the right hon. gentleman had rather under-rated than over-rated the grounds on which he founded his report of the present increasing and flourishing state of the revenue, and of the hopes he entertained of the future diminution of public taxation. He was happy that the right hon. gentleman had been thus candid; for, by such conduct, he would secure the confidence of the country. He was also gratified at the liberal principles which ministers seemed to have adopted, with regard to public trade; for such liberal views would materially contribute to make commerce increase, and render the nation prosperous and happy. As they had begun some reduction in the public burthens, he trusted they would feel it their duty to proceed as expeditiously as possible; and he perhaps, might suggest that a reduction of the Land tax, and of the 4 and 3½ per cents would effect a considerable saving in the public expenditure. There was also the Imperial debt. He believed it was notorious that the right hon. gentleman had entered into some arrangements for a compromise of that debt, and it was said that two and a half or three millions were to be received by this government, as a payment of the debt. If this were true, he thought the Austrian government had acted fairly in the transaction. He expressed his concurrence with the right hon. gentleman as to his views of the future state of the revenue. When the capital of the country could fairly be employed, trade would increase, and the revenue would proportionably be benefitted; and if the reduction of public burthens could be extended to Ireland, the population there would be employed, and the great cause of complaint on that account would cease.

The *Chancellor of the Exchequer* merely wished to say, that the loan alluded to was in a course of negotiation which he hoped would prove successful. At present he could say nothing as to the terms of the negotiation, nor as to the probable result, but should confine himself to the statement, that every disposition existed on the part of both the governments to come to an amicable adjustment of the debt.

Mr. *Hume* said, that he was somewhat satisfied with the statement which had been laid before the House. The reduction which had taken place was certainly more than had been thought possible eighteen months since. He wished the right hon. gentleman to bear in mind one thing, and that was, that if he reduced taxation by the amount of one million, he would not lose that million. It would be employed in business, or expended in pleasure, by the people in whose pockets it was suffered to remain, and would produce as much benefit to the revenue at the end of the year as if it had been levied in direct taxation. Let, then, the right hon. gentleman go on with his reductions—let him reduce four millions this year, and four millions the next year, and he would find that in the end he would not lose any thing by the reduction. The hon. member condemned the military and naval pensions, by which we had borrowed the sum of 4,800,000*l.* at the rate of 73*l.* in the hundred of the three per cents, while we were now buying at 82*l.* in the market. By this loan a loss of 6*l.* per cent had arisen, and it should be remarked, that at the time it was thus disadvantageously contracted for, the cabinet had resolved that this country should not enter into a war. The money lost by the contract would have enabled ministers to effect a total repeal of the Leather tax. Neither could he refrain from mentioning the bad effects produced by the continuation of the Sinking Fund. The House could not have acted more unwisely than by suffering that fund to exist. By so doing, five millions had been devoted to a purpose productive of no practical benefit, which might have been applied to the reduction of taxation.

The resolutions were agreed to, and the House resumed.

CONDUCT OF CHIEF BARON O'GRADY.] Mr. *Spring Rice* moved the order of the day for going into a committee on the Conduct of the Chief Baron of the Irish Exchequer. On the question being put, "That the Speaker do now leave the chair,

Mr. *Hutchinson* said, that whether the proposition he was about to support was or was not agreeable to the House, he alone was responsible for it. He had had no interview with any member on the subject. He had no connexion whatever with the Chief Baron of Ireland, nor with any of the friends of that learned individual: in fact, he did not know that his opposition to the Speaker's leaving the chair would be supported by any member. He, however, thought it would be grossly unjust to proceed to a measure of condemnation, before they had the fullest evidence on the subject. There were, it was true, two reports of the commissioners of inquiry, and also two reports of committees of that House relative to the conduct of the Chief Baron; but it did not follow, when the whole of the evidence should be heard, that he might not differ from those authorities. Indeed, the opinions entertained in that House with reference to this question were so various, that it would be wrong to proceed with it until the fullest evidence should be obtained; and above all, he conceived that he would be a very daring man who should proceed to judgment without hearing the chief baron himself. Those persons who had not heard that learned judge, and heard him fully, on the matter of accusation, could not be competent to act either as jurors or judges.

Mr. Secretary *Canning* said, he did not see how they could avoid proceeding on this occasion. The hon. member had alluded to the inconvenience which must result, if this charge were left pending over the chief baron. Now, in some shape or other, charges more or less modified must be understood as having been preferred against him; and if he were to point out the most favourable and the least culpatory shape in which they could be placed on the Journals, it was by pursuing the course proposed by the hon. member for Limerick. How did the matter stand? The charges came founded on the reports of the commissioners. If the House rested where they now were, the interval between the time of accusation and of trial would not be the less long; and the inconvenience to which the chief baron would be subjected must be aggravated rather than lessened, because he would not have the advantage of knowing exactly on what points, growing out of those reports, he was hereafter to defend himself. On the other hand, if the charge went on, and resolutions of fact were agreed to in the committee (resolutions stating that such and such charges were made in the reports, but neither negativing nor affirming them), that proceeding would not affect the character of the chief baron, and would afford him more ample means for his defence.

Mr. *S. Rice* defended the course which he had taken in this proceeding. It had been said that they could not fairly go on unless the chief baron was heard; but the question was, whether he had not been heard? Allusion had been made by the hon. member for Cork, to two reports of the commissioners, and two reports of the committees of that House, but he had totally forgotten to mention two letters written by the chief baron himself, relative to the conduct which had been complained of.

Mr. *Wetherell* opposed the going into the committee, as an act that would be useless to the public, and unjust towards the individual accused. The learned gentleman then alluded to the case of the earl of Macclesfield, against whom articles of impeachment were carried up to the Lords. In this case, owing to the form of the hon. gentleman's proposition, such a course could not be adopted. He thought it a great injustice to the learned judge that it should be proposed to leave his character, for the space of eight or nine months, under such an imputation as the entry of these resolutions would cast upon it. On the grounds he had stated, he was compelled to differ from his right hon. friend as to the steps which the House ought now to take; and, anxious as he was to secure the pure and impartial administration of justice; and desirous as he felt, that every offender in the way that the lord chief baron was said to have offended in, should be severely punished, he could not consent to that House clothing itself with a criminal jurisdiction, even in such a case, if that was to interfere with the criminal jurisdiction, exercised by the courts of law of this country.

Mr. *Wynn* would consent to the House going into a committee, not for the exercise of a criminal jurisdiction, but in order that it might act as a grand inquest in the matter. Certain charges, however, had been made against the learned individual in question; and he (Mr. W.) would have preferred that those charges should have been exhibited at their bar, and that the House might then have either decided such charges to be proved or have at once repudiated them. He concurred with those who considered that the learned chief baron had, in fact, been heard once already, by the course he had adopted of writing letters containing a defence of his conduct, and especially by writing a letter to the Speaker, expressive of his readiness to meet the inquiry. On the principles he had now stated, he would give his vote for going into the committee, conceiving that the door of parliament ought always to be thrown wide open to such investigations.

Mr. *Bankes* said, he had not been apprised of the nature of the resolutions.

Mr. *S. Rice* observed, that he had always stated, that the preliminary resolutions were resolutions of fact; the final one was one of inference. He would read that and the one by which it was immediately preceded;—"That it is because it has been stated in the reports of the commissioners appointed by this House, and confirmed by a subsequent report, made after a special reference to them by his majesty's government, that the emoluments of the chief baron of Ireland have been increased by the invention of new, and the extension of ancient, fees, on the sole authority of the chief baron himself." A subsequent vote of the House in committee, had confirmed the substance of this resolution. The inferential resolution, which might or might not be agreed to, was to this effect—"That the power of creating and extending fees thus reported by the commissioners of inquiry to have been exercised—if proved to have been exerted in their increase by the lord chief baron, in the manner stated in the reports of these commissioners, at his sole discretion, and he being himself interested therein, is inconsistent with the laws and constitution of this realm."

Mr. *Bankes* said, it was quite clear to him that it was impossible to enter on such a matter at that late period of the session. The hon. gentleman then remarked on the peculiar hardship of the chief baron's case, pending the prosecution of the proposed inquiry. This learned individual was invested with a high judicial office, which there was no power, even in the Crown itself, to prevent him from discharging the duties of, in the interval that must elapse before the investigation could be brought to a close. Was it fit, then, to leave one of the judges of the land under this cloud of suspicion and imputation from the end of one session to the commencement of another? The hon. gentleman then proceeded to show the inexpediency and injustice of entering those resolutions on their Journals at present, though the matter might be taken up at the earliest period of the next session. Nothing should induce him, at all events, to suppose any thing like an impeachment in the present case. He had seen enough of impeachments carried up to the other House, not to support one on this occasion. Whatever might be resolved on, however, he must again warn the House against any attempt to proceed in the affair this session.

The *Solicitor General* observed, that one of the grounds adduced for the propriety of entering these resolutions on their Journals was, some extraordinary delay which was supposed to have taken place in the furnishing the House with the report on the matters under inquiry. The hon. and learned gentleman then shortly stated the proceedings of the commissioners of inquiry, from the date of the 9th report down to their final report. He was very averse to entering into this committee at all; not only in consideration of the late period of the session, but looking also to the character of the several reports made by the commissioners. From those reports, it was clear that no charge was, in fact, established against the chief baron. And if so, was it for a committee of that House to record one against him, arising out of the subject matter of those reports? It had been stated in the House and in the resolutions themselves, that the chief baron, in increasing these fees, had acted contrary to the laws of the realm. This was quite incorrect. When lord Erskine was made chancellor, he, by his own fiat, immediately raised the fees of the subordinate officers of his court. Now, though it might be said, that this case of subordinate officers was not the same thing as increasing the judge's salary by a judge himself, the proposed resolution was still most erroneous. Gentlemen were bound to look at the language of the commissioners' fifth report. They said "that they would not give an opinion whether judges in Ireland could legally increase their own fees and the fees of their own courts;" but they added that, "such a practice had prevailed in Ireland for a hundred years past, during which period such an increase had taken place in the Court of King's Bench and Common Pleas Courts. Was it not cruel, then, to impute to the chief baron corrupt or improper motives; and, if it was only an error of judgment, would it not be still more cruel to record any such resolutions on their Journals? On these grounds, he still opposed the going into the committee." If next session the hon. gentleman chose to persevere, he would, however, give his assistance to the inquiry.

Mr. *Abercromby* said, that the question was, whether they should now stand still, or go back? He thought they had no option but to go into the committee. The House now proposed to give the chief baron an opportunity of knowing what the charges were against him, to which he would have to answer. He would have the benefit of the interval between this and next session for the preparation of his defence, and all the advantage would be with the chief baron, in short. He did feel, however, that this was a case of the most extreme difficulty, insomuch that, if he could with any fairness or justice to the chief baron, he would have said to-night, "I will proceed no further." But, after what had taken place, he was bound in justice to the chief baron, to see him through the affair. Should the case be, unfortunately, proved, he (Mr. A.) thought the next proceeding ought to be by address, rather than by impeachment.

Mr. *Hume*, looking to the 5th report, seeing that precedents for what the chief baron had done were to be found within the last century, and adverting to the smallness of the increase which had taken place in those fees, really thought it impossible to impute to the chief baron any corrupt motives of mere personal emolument. In this feeling, he had himself prepared a resolution to that effect, which resolution, the hon. and learned member for Peterborough had expressed his approbation of, and which, or something equivalent thereto, he (Mr. H.) did conceive that the House was in strict justice called upon to concur in.

Mr. *Goulburn* supported the motion for going into the committee.

The House divided: Ayes 50. Noes 19. The House then went into the committee.

Mr. *S. Rice* submitted his first resolution. It was declaratory of the fact, that from the reports of the commissioners of courts of justice in Ireland, and from the report of a committee of the House, it appeared, that the chief baron had received fees in certain departments of his court, to which he was not legally entitled.

A desultory conversation ensued upon the fact, whether certain exculpatory circumstances, which were contained either in the 9th report itself, or in some subsequent report, should not be inserted in the resolution. The attorney and solicitor-general, Mr. Goulburn, Mr. R. Smith, Mr. S. Rice, and Mr. Wetherell, took part in this conversation: as also did captain O'Grady, who complained, that the resolution was unfairly worded.

The *Solicitor General* moved as an amendment, that the following words be added to the resolution:—"And that it is further stated in the report of the select committee on the 5th report of the commissioners of inquiry, that the direction of the chief baron, as stated by Mr. Pollock, to whom it was personally given, that the fee of *2s. 2d.* should be charged and received for him on all bills of costs taxed in his office, and had it been so confined in its operation, it did not appear to the committee, from any evidence that had come before them, that it would have been incorrect, except for the increase under the head of currency, which had been before noticed."

Mr. *S. Rice* had no objection to this amendment, if the learned solicitor would agree to add to it the words which immediately followed them in the report from which they were taken.

The *Solicitor General* objected to the addition.

On the suggestion of Mr. Canning, Mr. S. Rice consented to omit that part of his amendment which alluded to the opinion of the committee above stairs. After considerable discussion, Mr. S. Rice consented to withdraw that part of the amendment which expressed an opinion, and the amendment with that omission was agreed to. The resolution detailing the charges against the chief baron, contained in the ninth report, with the addition of an extract from the eleventh report was then agreed to. After which, the Chairman reported progress.

HOUSE OF COMMONS.

Thursday, July 3.

GENERAL INDEX TO JOURNALS—INGROSSING BILLS.] Mr. *Bankes* moved, "That a Select Committee be appointed to examine what progress has been made towards forming a General Index to the Journals of this House, commencing with the 56th volume, in pursuance of an humble Address of this House to the Prince Regent on the 5th June 1818, and to report the same, with their observations thereupon, to the House."

Mr. Hume moved as an amendment, to insert, after 1818, the words, "and to inquire whether any improvement may be made in the method now in practice, of engrossing bills, so as to facilitate the business of the House."

Mr. *Bankes* said, there was no affinity between the amendment and the original motion.

Mr. *Wynn* said, that the old letter in which the bills were now written out, was more likely to be legible 200 years hence, than the Italian hand in general use at present. The ordinary writing-hand was subject to much variation; the old letter used in the bills would be subject to no variation at all.

Mr. *Ricardo* thought the time would hardly come when the common Italian hand now in use would be unintelligible. The change suggested would save considerable expense, and greatly expedite the dispatch of business.

Mr. *Hume* said, that if his amendment was opposed, he would withdraw it. The subject, however, seemed to him of so much consequence, that he should give notice of a distinct motion upon it for to-morrow.

CONDUCT OF CHIEF BARON O'GRADY.] The order of the day being read, the House resolved itself into a committee on the Conduct of Chief Baron O'Grady. After several resolutions of fact had been agreed to,

Mr. *Spring Rice* proceeded to move a resolution, that the chief baron had changed the practice with reference to certain fees, by removing the payment of them from the time at which the decrees were pronounced, to the commencement of the suit; the consequence of which had been, that fees on 478 causes had been paid, in 134 of which causes, decrees had not been pronounced.

A short conversation ensued, in which the Solicitor-general, Mr. S. Rice, Mr. Wetherell, Mr. Canning, and Mr. R. Smith participated. Eventually, Mr. S. Rice agreed to leave out that part of the resolution which referred to the number of causes on which decrees had not been pronounced.

Mr. *S. Rice* then said, that the resolutions now agreed to were resolutions of fact; but as the others were resolutions of inference, and as the right of a judge to increase his own emoluments at his own discretion had been denied, by entertaining the present question at all, he now only wished to have the resolutions already agreed to, inserted on the Journals; and he did not intend at present to urge any further measures relative to the conduct of the chief baron.

Mr. *Hume* wished to know what course his hon. friend meant to pursue. It would be improper to leave these resolutions as a dead letter upon the Journals. At the same time, he thought this neither a case for an address, for a removal, or for an impeachment. What, then, were they to do? For his own part, although he was not prepared to justify the course taken by the chief baron, yet he was equally unprepared to proceed to any course of ulterior severity. If the chief judge of the Irish Common Pleas (who was upon this question of fees equally culpable) was not to be called to account for his conduct in such matters, with what justice could they proceed in a severe manner against chief baron O'Grady? He concluded by proposing a resolution declaratory of the course already taken by the House, and declining to proceed further, as the case now stood.

Mr. *Hutchinson* strongly objected to the course pursued towards the chief baron. They ought not to imply criminality, where they had declined to adopt the only course which could put the subject upon a fair hearing, namely, enabling the individual accused to be heard fully in his defence.

Mr. *Wetherell* concurred entirely in the impropriety of adopting a course which implied criminality, where no previous inculpation had been sufficiently established. If a man were attacked in a criminal court, the party prosecuting must proceed with the accusation. Why should parliament adopt a different course? Why should they agree to a series of resolutions which neither pledged the House, nor any individual member of it, to proceed one step further? The resolutions implied criminality; and he could not suffer them to be placed on the Journals, unless a distinct pledge was given that they would, without delay, be followed up. He could not consent to leave the business in the way which was now proposed. It placed the character and conduct of the chief baron in an equivocal light, even with reference to that House; but, out of it, amongst those who had no opportunity of considering the case, these resolutions must be viewed as criminating the chief baron.

Mr. Secretary *Canning* was of opinion that those who opposed the present course of proceeding took the most effectual means of preventing their arrival at that which they stated to be their great object; namely, a plain decision of the case by the House of Commons. In his view of the question, the resolutions ought to be reported; and on that report every individual would have an opportunity of stating his opinion. He thought it was extremely proper, that the matter contained in the reports of the commissioners of inquiry, as well as in the reports of two committees of that House, should have been brought before a committee of the whole House; because the charges were in consequence reduced to a clear and tangible shape. As the charges stood in the reports alluded to, they were so scattered and dispersed, that it was difficult to make a direct defence against them; but the resolutions brought the whole of the charges to one point, and the learned judge was thus enabled to shape his defence in a clear and intelligible way. The whole course of the proceedings of that House was in favour of the line which had been pointed out to them by the hon. member for Limerick. But in delivering this opinion, he wished to guard himself against the impression of being pledged to any particular future course of proceeding. He should feel himself placed in the same situation, as if he had merely consented to allow any other measure to pass through a stage, reserving his right of objection for a future occasion.

Captain *O'Grady* expressed his anxiety to have a vote on the subject then before parliament, convinced as he was, that that vote would be in perfect accordance with his own feelings. He did not blame those by whom this investigation had been instituted; but he had to complain that this was the third year during which the charge had been preferred; and he begged of gentlemen to look about them, and to ask of their own hearts, whether such a House as was now assembled was a fit one in which to decide this question? He should be sorry that the resolutions should be passed in so thin a House as that. Let the question be brought forward in a full House, and let the conduct of the chief baron be fairly investigated. He was convinced that if due consideration were given to the subject, by such a House as he had alluded to, every shadow of imputation would be removed from his character. It was most unfit that, year after year, imputations should be left hanging over the character of the chief baron of Ireland; and therefore he was anxious for investigation as to the plain question of guilty or not guilty; being perfectly assured that the verdict for the chief baron would be a triumphant one.

Mr. *Lockhart* was of opinion, that when the House took up matters of this kind, they ought to proceed to their immediate determination. They were not upholding their character for justice, by entertaining the same charges year after year.

Mr. *T. Wilson* said, if the resolutions were reported, that it would be necessary for the House to express some opinion upon them.

Mr. *S. Rice* said, that he had not anxiously pressed on this inquiry; on the contrary, he had, on more than one occasion, stated that he was ready to postpone it, if a wish to that effect were but breathed by gentlemen concerned in the question. No such wish had been expressed; and therefore he had found himself imperatively pressed to the performance of that duty, which public motives alone had induced him to undertake.

After a few words from Mr. Ricardo, the chairman said he thought it was too late to propose the resolution suggested by Mr. Hume, in concurrence with those which had been already voted. The resolutions were then reported to the House.

HOUSE OF LORDS.

Friday, July 4.

Beer Bill.] On the order of the day for the third reading of this bill,

Lord *Ellenborough* rose to move the omission of a clause which appeared to him both absurd and unjust; absurd, because it would not attain the end proposed; and unjust, as tending to depreciate the value of capital already invested in the Beer Trade. This new beer was intended as a boon to the public; but, according to the present price of table-beer, the consumers would, in the new beer, have an improvement of one-sixth in quality, for which they were to pay an increase in price of one-third. So that, instead of being advantageous, the public would be paying at the dearest possible rate for a beer little superior to that which was at present brewed. But the clause he particularly objected to, was that which prevented the brewer from brewing the new beer on the same premises which he used for brewing other beer. To prevent the brewer from mixing a certain proportion of the new beer with strong ale, was the intention of the clause; but the act did not prevent him from brewing the strongest ale on the same premises with the present table-beer; by mixing which, the advantage to the brewer would be greater than any he could obtain by so dealing with the new beer. Their lordships would consider also the great injustice of the clause as regarded the capitals already invested in breweries.

Lord *Bexley* said, that the object of the bill was, to produce a more palatable and wholesome beverage for general use than could be found at present; and experience had proved, that such an object could not be accomplished unless the present brewers were prohibited from manufacturing it on the same premises in which they conducted their other business. It would also lead to numberless frauds, so that the clause was absolutely indispensable. He hoped that the effect of the present bill would be, to lay the foundation of a better arrangement for the collection of the beer duties, and for determining accurately the proportions, and ascertaining the strength of the liquor.

Lord *Dacre* admitted that the object of the bill was good; but expressed his apprehension that by excluding the old brewers, they would defeat their own intention. He thought it would be better to suspend any further proceeding until the next session, when they would have time to inquire more fully into the matter.

The Earl of *Liverpool* said, that if the brewers of the new beer were allowed to brew it on the same premises as the old, it would lead to endless frauds on the Excise. Indeed, he had been told by an eminent brewer, that the temptation would be so great, that flesh and blood could not withstand it. If permission were given to brew the new beer in the same manufactory with strong beer and ale, the public would never get a good article. The only chance of securing a good and palatable beverage was by insisting that it should be made in separate premises. If they left out this clause, they would throw the beer trade into the hands of the old speculators, who were in general large capitalists.

Lord *Ellenborough* conceived this clause to press very hard upon the brewers; and the only consolation he could give them, if it were carried, was this—that the beer brewed under it would be so bad that nobody would drink it.

The bill was then passed.

HOUSE OF COMMONS.

Friday, July 4.

IRISH TITHES COMPOSITION BILL.] On the order of the day for the third reading of this bill,

Mr. *Calcraft* said, that finding if he pressed the insertion of the compulsory clause, it might retard the bill, and being desirous to see it in operation, he should forego the intention he had formed of introducing that clause. As he was sure that, in the next session, the bill must be considerably altered, he should postpone, until that period, his proposal for adding those provisions which were necessary to complete the measure.

Mr. *M. Fitzgerald* said, that having been one of the first to bring the subject of Irish tithes before the House, he could not resist the opportunity which was afforded him of expressing his exultation at the success of the measure. He thought the country was much indebted to his majesty's ministers, and he hoped that no alterations would be made elsewhere which could have the effect of defeating its wise provisions.

Sir *J. Bridges* objected to the bill in toto. For, what was it? Neither more nor less than an invasion and subversion of the rights of the ecclesiastical establishment, in violent opposition to the opinions of the clergy, who had not been heard. It had been said, that the hierarchy alone were in opposition to the bill; but such was not the case, for the whole diocese of Armagh was, with scarcely an exception, against the measure.

The bill was read a third time.

RECIPROCITY OF DUTIES BILL.] Mr. C. Grant moved the third reading of this bill.

Mr. *Robertson* entreated the House to pause before they sanctioned a measure which went to the repeal of the system of navigation laws, under which this country had been raised to the highest state of commercial and naval pre-eminence. He cited Adam Smith in support of his opinion: and expressed his regret that his arguments should be opposed, with any chance of success, by a new set of political economists, whose principles he considered decidedly erroneous. The landed gentlemen of England ought to resist every attempt to break down that system which had done so much for the defence and glory of the empire. The science of political economy was much talked of, as something very profound and of difficult attainment; but he believed it was in the power of any ordinary mind to master the system of political economy in five or six weeks; but he was equally convinced, that the adoption of its modern principles was not calculated to make its professors either statesmen or legislators. If the navigation laws were broken down, the ruinous consequences to our naval power would be felt when perhaps they could not be retrieved. The hon. gentleman proceeded to read extracts from the evidence taken before the select committee of the House of Lords on foreign trade, and contended, that if the present laws were repealed, foreign vessels, which already possessed some advantages over our own, would obtain a preponderance that would be utterly destructive of British trade. He could not conceive it possible, that the legislature would give its consent to a bill so ruinous as the present. By the commercial measures which had been pursued of late years, and which had been acquiesced in by parliament almost without deliberation, in consequence of the confidence which they placed in some of the right hon. gentlemen near him, our foreign commerce had been diminished, within the last three years, to the extent of 150,000 tons, and 8,000 seamen — an amount equal to all our trade at that period beyond the Cape of Good Hope and Cape Horn. Was that nothing? When the legislature had had such sad experience of the new system, would they persevere in retrogression, until they destroyed the whole commercial greatness of the country? He concluded by moving, that the bill be read a third time this day three months.

Mr. Alderman *Thompson* seconded the amendment. If, however, the present subject should be again brought before parliament, and an opportunity given to the ship-owners to state their opinions on the measure, he would support such inquiry.

Mr. *Wallace* said, that the world now pretty well understood, that the interests of navigation and commerce were identified and inseparable. The most wholesome policy seemed to be not to benefit one of those great interests, as the hon. gentleman seemed to ask, at the expense of the other; but so to modify the existing laws, as to make the prosperity of the first compatible with the welfare of the second. It was no argument to the contrary, that sometimes those interests might come in conflict with each other. He conceived, that at the time when the navigation laws were first enacted, they were measures of wise and justifiable policy. In the infancy of a colonial trade, it was essentially necessary to put down a dangerous continental rival. But now, that object being answered, he doubted not that those laws ought to be remodelled and revised; and there could be no question, but that they had, in a great variety of instances, been relaxed already by parliament. To the welfare of a great naval power, nothing was so vitally essential as the extension of its commerce, by all proper and sound means. It was with such an object in view, that the measures recently introduced by his majesty's government, had been proposed to parliament. Those measures, indeed, had been so unfortunate as to elicit several taunts from the hon. gentleman, at the expense of those whom he was pleased to call speculating economists. He (Mr. W.) would not stop to inquire, whether he was included in the reflection. The hon. gentleman seemed to have totally forgotten, that the measure now brought in had been rendered indispensable by the similar proceedings which other European commercial powers had adopted. Under the present system, common to the European powers in question, the only means of meeting the heavy duties which they had imposed on our goods and shipping, or of being admitted with other nations to participate in the benefits of their commerce, where the duties were low, was, in all possible respects, to place our duties upon a footing of perfect reciprocity with theirs. It had been urged, that foreign nations had great advantages over us, because they could build ships at a much cheaper rate than we could; but this advantage was counterbalanced by the fact, that British vessels were generally of greater capacity than they stood registered at; and, consequently, paid less duty in foreign ports. Upon an average, again, it would be found that the wages of British seamen were cheaper than those of foreign sailors, all charges being taken into the account. From the Lords' Report it clearly appeared, that the ships of

Norway, Sweden, Russia, Prussia, France, and Holland, could not compete with English ships for cheapness of sailing. It was equally clear, on the same valuable authority, that upon all long voyages, such as those from the coasts of Africa and Asia, from India, the Brazils, and the West Indies, freights were always cheaper in English bottoms than in the ships of Holland, France, or Denmark. The hon. member had drawn a most discouraging picture of the falling-off of our shipping trade; there being, according to his calculation, a decrease within three years, of employment or hire, to the amount of 150,000 tons. What would the House say, however, to a statement, on the authenticity of which they might depend, of the comparative amount of British and foreign tonnage employed between the years 1815 and 1822; by which it appeared, that, on the aggregate of eight years, we had had the advantage of our continental neighbours by no less than 593,000 tons? Another subject of regret and complaint with the hon. gentleman was, the decrease in the number of British ships employed. With due submission, however, he (Mr. W.) thought that this diminution was of great advantage to the shipping interest; for he had reason to know, that at the commencement of the peace, there were so many British merchantmen, that this species of property became, of necessity, quite depreciated. It was impossible that the vessels could all find any thing like advantageous employment. At that period, he had heard nothing but complaints, on the score of their numbers; and he believed it to be for the general benefit, that since then, many of them had worn out, and a vast number had been sold. Now, the result of all this had been, that as the numbers had decreased, the hire had risen, so as at length to afford the owner a remunerating price. It might, however, be a satisfaction to the House to learn, that the shipping trade had increased very considerably since last year. In 1822, the number of ships employed was 18,736; their tonnage, 2,263,000 tons. In 1823, the number of ships employed was about 20,000; their tonnage, 2,390,000 tons. So that the increase in one year was nearly 1,400 in the number of ships, and 127,000 tons in the tonnage. He hoped he had shown that the mode of equalizing our duties with those of other countries was a safe one, as regarded our shipping: and if so, it must be acknowledged, that it was the least invidious mode of preserving those advantages in our commercial relations which we already possessed.

Mr. *Rumbold* said, that, undoubtedly, the statements of the right hon. gentleman were entitled to consideration; but they were met by counter-statements on the part of the ship-owners, and he trusted that, in a measure of such importance, the House would pause, in order that the truth might be ascertained. The shipping interest did not require protection; but they protested against an entire alteration of that system which had so long prevailed, and to which our greatness had been so much attributed. In every department, whether of building, fitting, wages, or provisions of seamen, the expense doubled or trebled that of the foreigner. When such was the statement of the ship-owners, it was not too much that the period intervening between this and the next session should be given to the consideration of the measure.

Mr. *T. Wilson* opposed the bill, and complained, that the ship-owners had not been allowed an opportunity of stating their case. If that had been done, and a refutation had been given to their opinions, he would have supported the bill.

Mr. *Hume* supported the bill. The measure could not, he said, place the shipping interest in a worse situation than it was at present, while it promised great advantages to them and to the country generally.

Mr. *Bright* was anxious that time should be given to inquire into the merits of a question of such vital importance, and would, therefore, prefer referring it to a committee.

Mr. *Ricardo*, in supporting the bill, said, it was the bounden duty of ministers to place the British, as nearly as possible, upon a footing with the foreign ship-builder.

Mr. *Marryat* opposed the bill, and contended that the Navigation laws were the only sure protection of the maritime interests of this country.

Mr. *Huskisson* contended, that the period had now arrived, when it would be impossible for Great Britain to continue any longer the system of restrictive duties, without inducing retaliation on the part of foreign countries; the effect of which would be most disastrous to our commercial interests. Something had been said respecting the necessity of repealing the existing duties upon materials employed in ship-building, respecting which, he wished to make one observation. The duty of 10*l.* upon timber imported from the Baltic, which, during the war, was a very light burthen, was, he admitted, now become a very grievous impost. He hoped that the prosperous condition of the country would enable the chancellor of the exchequer to repeal, or very considerably reduce, that tax next session. He begged the House to consent to the passing of the bill; which, instead of injuring, would tend to the protection of British shipping. He concluded by enforcing the necessity of giving all possible facilities to the commerce of the country, with a view not only to the increase of our wealth, but to securing the means of national defence against foreign states.

Mr. *Stuart Wortley* thought that the principles which now began to work in regard to commercial regulations, must ere long be applied to those of agriculture. So many impolitic restrictions called protections being removed from the trade and shipping, it would be impossible to retain, for any considerable time, the protection given to agricultural produce. At any rate, the present enormous rate of the protecting duty on grain could not be long continued, but must be brought nearer to the standard of the European markets.

The House divided: For the motion 75. For the amendment 15. The bill was then passed.

List of the Minority.

Anson, hon. G.
Dawkins, H.
Ellison, C.
Gordon, hon. W.
Innes, I.
Mundy, F.
Manning, W.
Rumbold, C. E.
Thompson, alderman
Wells, J.
Wilson, T.
Wortley, S.
Wood, alderman

TELLERS.

Robertson, A.
Bright, H.

HOUSE OF LORDS.

Monday, July 7.

IRISH INSURRECTION BILL.] The Earl of *Liverpool* having moved the order of the day for the committal of this bill,

The Earl of *Darnley* wished to know if the noble earl meant to give no explanation of the grounds on which this measure was re-enacted.

The Earl of *Liverpool* said, he had, on a former discussion on the state of Ireland understood, that, with very few exceptions indeed, all persons were agreed as to the indispensable necessity of re-enacting the law, for the protection of the lives and properties of his majesty's peaceable subjects. He considered it impossible for any noble lord who had perused the papers on the table, to doubt that it was the first duty of the House to pass a bill on the principle of that before their lordships. That they might regret the necessity, and might differ as to the best means of preventing it in future, he could well conceive; but he could not imagine that there could be any doubt of the absolute necessity of passing some such bill as the one now under consideration.

The Earl of *Limerick* said, that connected as he was with Ireland, he must say, that their lordships owed it to that country to pass the present measure; for he could state it, on his own knowledge, that it would be impossible to remain there for a single fortnight, if this or some similar measure were not passed into a law.

The Duke of *Leinster* objected strongly to the passing of this bill without previous inquiry, to ascertain the nature and extent of the disturbances in Ireland.

The Earl of *Darnley* asked, whether, year after year, this sort of Irish annual mutiny bill was to be passed without any adequate information being laid before parliament? He pledged himself, early in the next session, to bring forward a proposition for a thorough investigation of the causes of the evils by which Ireland was afflicted. On the occasion of the King's visit last year, the most flattering promises of amelioration were held out: but two years of the government of lord Wellesley had elapsed, and the result was, the disappointment of every hope. Under the present system, Ireland could not be much longer governed. A change ought to be made by a redress of grievances, instead of measures of coercion. Under present circumstances, he was not prepared to oppose the further progress of the bill; but he protested against the passing of it as a mere matter of course.

Lord *Calthorpe* deeply deplored the necessity of again adopting a measure of this kind. He feared that it was necessary, but it ought to be limited to the necessity. What were deemed in England valuable civil institutions and privileges—such as grand juries and the elective franchise, were in Ireland, by some fatal perversion, rendered worse than useless. Even the fertility of its soil seemed a curse: and at one time, while the people were starving, large quantities of grain were exported to this kingdom. It was in vain to hope for an increase of civilization in Ireland, while the system remained unchanged. In his opinion, political causes alone would not account for the present condition of Ireland. Her peculiar degraded state was mainly to be attributed to the gross and palpable darkness of her religious system. Catholicism had ever been prone to error, and in Ireland it existed in its most gloomy and debased shape. Any remedy would therefore be short of its object, if a civilizing and elevating religion were not in some way given to Ireland. Christianity in the most barbarous countries exalted human nature; and if it failed of this effect in Ireland, it was only because it was so strangely corrupted. He deprecated the constant agitation of the Catholic question, and expressed his confidence in the system of education which ministers had pledged themselves to establish.

The House then divided: Contents 36—Not-contents 5. The House then went into a committee on the bill.

Lord *Ellenborough* deprecated the system of annually suspending the constitution in Ireland, instead of adopting measures calculated to conciliate the people of that country. He was satisfied that the present bill was more calculated to produce, than to allay irritation; and that until a totally different system was adopted, tranquillity would never be restored to Ireland. The present bill would be a mere nullity, for there was no adequate force to carry it into effect.

The Duke of *Wellington* was satisfied, that there was a sufficient force in Ireland to carry the provisions of the bill into effect. The great advantage of the bill was, that it obliged persons to remain in their houses during the night, at which time the outrages in Ireland were usually committed. The military would be ready to aid the magistracy; but it was not necessary to throw upon the military the responsibility and the odium of carrying the bill into effect.

Earl *Fitzwilliam* said, he had never given a vote with greater satisfaction than that which he had just given against the commitment of this bill.

The bill went through the committee. On the report being brought up,

Lord *Holland* complained, that a measure, which took away from Ireland all the benefit of equal laws and of the constitution, should be brought forward in a shape in which it was impossible to make a single amendment.

The Earl of *Liverpool* said, that the measure had unfortunately been passed in that shape for many years, and that the nature and construction of the bill were well known both to those whose duty it was to carry it into effect, and to those who were subject to its provisions.

The report was agreed to.

HOUSE OF COMMONS.

Monday, July 7.

CONDUCT OF BARON M'CLELLAND—PETITION OF JOHN QUIN.] Mr. *Brougham* said, he held in his hand a petition from a person of the name of John Quin, a surgeon, of Belfast, to which he wished to call the attention of the House, as it complained of a very great abuse in the administration of justice. He knew nothing personally of the petitioner, or of the facts which his petition related. The member for the county in which the transaction was said to have occurred, had, he believed, left this part of the kingdom, and therefore he could not make any inquiry from him with respect to the petitioner or his statement. The language of the petition was, however, perfectly respectful towards the House; and on that ground he felt it to be his duty to present it, without pledging himself in any way whatsoever, and without indulging in any comment that could tend to prejudge the case. If, however, the whole or any particular portion of the petition were founded on fact, it did appear to him to disclose a case which called for the interference of parliament. The petitioner stated, that five years ago he brought an action against a person with whom he happened to have an affray, which action was tried before Mr. Baron M'Clelland and a special jury. A verdict was given against him, and he was taken in execution for the payment of costs. The consequence was, that he was ultimately ruined, and was obliged to take the benefit of the insolvent act; his prospects, which before were very fair, having been completely blasted. The charge now made by the petitioner divided itself into two parts. The first was against the sheriff and those connected with the sheriff's-office, for packing a jury; and the next against the learned judge, for misconduct in his direction to the jury. With respect to the first point, the petition set forth, that an application had been made for a special jury, which was refused as being too late, the *distringas* having been delivered before the application was made. He then complained, that the common jury panel which was returned to try the cause, was not the panel of that year, but of the year preceding. He next stated, that though it had been decided, in the first instance, that the cause should not be tried by a special jury, yet, a second application being made, not by the defendant or his attorney, nor by the plaintiff or his attorney, but by the returning officer of the sheriff, four days prior to the assizes, it was agreed that a special jury should be empanelled. He (Mr. B.) did not understand this. It was contrary to practice thus to procure a special jury; and therefore, perhaps, there might be some mistake in the statement; although, in other respects, the petition seemed to have been drawn up by a person conversant with the law. How a returning officer to the sheriff could apply for a special jury, and have his application complied with, he could not imagine. This was four days before the assizes; and, although it had been ruled, that the cause should be tried by a common jury, it was now, as the petitioner stated, granted to the returning officer of the sheriff, who had no right to meddle in the affair, and set down as a special jury cause. The petitioner further complained, that the said special jury consisted of the defendant's own friends and acquaintances, selected by him, all of whom were reputed and avowed Orangemen. He then stated, that he was a Catholic, and the defendant a clergyman of the established church; that the sheriff was the cousin-german of the defendant, and that the returning officer in question was the law-agent of the sheriff. The cause was called on, as the first cause, on the first morning of the assizes. The cause was brought before Mr. Baron M'Clelland, who presided in the crown court, while the other judge decided causes in the record court. An objection was taken by the counsel for Mr. Quin, against proceeding to trial with a special jury which had been improperly obtained; but it was over-ruled by the learned judge, and the cause was peremptorily called on to proceed. This was the first part of the charge, and was perfectly distinct from the main point, which related to the conduct of the learned judge. It was an action for an assault, of a very aggravated nature. The petitioner was a Catholic, and happened to be in the pit of the theatre of Armagh, while "God Save the King" was played. The defendant, who was also present, came up to him, and chid him in harsh terms, for remaining covered in contempt of the music. The petitioner said, he did not remain covered in contempt of the music. The defendant was told by several bystanders, that it was not in contempt of the music they remained covered. He however continued to use abusive language, and at length committed the assault for which the action was brought. His expression to the petitioner was, "By the immortal God, if you don't take off your hat, I'll knock your head off." There were some parts of the first charge which he (Mr. B.) could not reconcile to the legal practice of this country; but such language as this was still less reconcilable to that notion of decency and propriety, which might be expected from the reverend defendant, as a clergyman of the church of England. When the music had ceased, he called for a repetition of it, and continued to conduct himself with the same violence. Afterwards, when some other tunes of a popular character were played, and among the rest "Patrick's day," the defendant stood over the petitioner with his hat on, and in a menacing attitude, endeavouring to provoke the petitioner to commit an assault on the defendant similar to that which had been made on himself, but this the petitioner declined. He made out the case which was here stated by evidence at the trial, and he charged the learned judge with having, when he addressed the jury, used the following words, "The strict letter of the law is decidedly against the defendant; notwithstanding, you can find a verdict for the defendant, in honour of our good old king, who may be truly called the father of his people." The petitioner stated the two facts distinctly; first, the improper manner in which the jury was empanelled; secondly, the misconduct of the judge; and he called on the House to direct that a new trial may be had [a laugh]—for which proceeding, however, the House certainly had no authority. As he was on his legs, he begged leave to say, that his not having alluded to a certain statement which he had on a former occasion made use of, with reference to another Irish judge, the lord chief justice of the Court of Common Pleas, was not an accidental omission; for he had purposely declined making any retractation of, or alteration in, the statement in question; because, notwithstanding its denial in the public newspaper, where it first found a place, he had received private letters from respectable persons, warning him not to retract that which he had brought under the observation of the House, since it was substantially correct. Besides, the letter of the editor or reporter was not couched in such unqualified terms of denial, as his letters were in those of affirmation. It was also equally certain, that when the chief justice called the printer before him, he did not give the same reason for his displeasure. His observation was—"It is very hard that I cannot have my own jokes." The learned gentleman then moved, that the petition be read.

Mr. Secretary *Canning* observed, that as the complaint contained in the petition was that of wilful misdirection from the bench, courtesy, he thought, ought to have induced the learned gentleman not to bring forward so grave a charge in a questionable shape. The learned gentleman himself admitted that there appeared to be some mistake in one part of the petition; and certainly with some small inquiry, he might have learned what the real facts of the case were. In his opinion, the best course would be, to withdraw the petition until the learned gentleman could communicate with the parties who were affected by it; and if it were necessary, he might bring it forward hereafter.

Mr. *Brougham* said, that this was precisely one of those cases which it would be unfit for him to accompany with any statement. He had refrained from doing so, and the whole responsibility rested with the petitioner. This was precisely the course he had adopted on a former night, when presenting a petition, of the statements in which he personally knew nothing. He was not in such a case bound to make any statement; but, as the petition was respectful towards the House, he thought it right to present it. The present was also just one of those cases in which he thought the petition should not be printed—not on acount of its containing a charge, because every petition did contain a charge; but because it complained of the conduct of a judge in administering the duties of his office. No undue impression had been attempted to be created against the learned judge. The statement rested entirely on the individual who petitioned the House, and consequently, it would go forth without the possibility of doing any mischief; while, on the other hand, it afforded the accused party a full opportunity for contradicting it.

Mr. *Goulburn* said, that this was a charge preferred against a judge for wilfully misdirecting a jury; and, before the House received it, they ought to be put in possession of the fact which was contained in the petition itself—that application was made for a new trial before the whole court, and all the judges concurred in thinking there was no ground for granting it. It should also be recollected, that the trial complained of took place five years ago.

Ordered to lie on the table.

PRISONS BILL—FLOGGING.] On the order of the day for taking into consideration the Lords amendments to this bill,

Mr. *Grey Bennet* said, that although the bill had been returned with numerous amendments from the other House, the only one he was disposed to quarrel with was that in which the punishment of flogging had been introduced. The clause inflicting that punishment in the original bill was wisely ejected by that House; but if it were now allowed to become a part of the law, magistrates would resort to nothing but force for the correction of those unfortunate persons confined in gaols, and every parish would have its Dr. Thwackum. For his part, he should never rest till he rescued the people of England from the beastly and barbarous punishment of flogging. Within the last seven years, the number of persons flogged in this country amounted to 6,959. It was but a short time back that two children were flogged in Newgate, and then, with their flesh torn and lacerated, they would have been sent out on the streets to thieve again, if a humane person belonging to the prison had not obtained their admission to a house of refuge. He (Mr. B.) had since visited them, and had drawings made of the state of their backs, which he intended to get lithographed, and when painted, he should have those representations stuck up in the streets, in the hope of putting down such abominable punishment. According to the present bill, it was not to be even resorted to by way of public example, but was to be inflicted privately in holes and dungeons, without the presence of a magistrate. He should therefore move that the words in the printed bill "or by personal correction, in cases of prisoners convicted of felony, or sentenced to hard labour," be left out.

The House divided. For the Amendment 22; against it 36.

List of the Minority.

Attwood, M.
Bright, H.
Colburn, R.
Coffin, sir I.
Denman, T.
Griffith, J. W.
Hamilton, lord A.
Hobhouse, J. C.
Hume, J.
Hutchinson, C. H.
Jones, J.
Mackintosh, sir J.
Monck, C. B.
Palmer, J. F.
Ricardo, D.
Rice, T. S.
Smith, J.
Tennyson, C.
Titchfield, marquis
Western, C. C.
Wilberforce, W.
Williams, J.

TELLERS.

Bennet, hon. H. G.
Lushington, Dr.

NEW SOUTH WALES JURISDICTION BILL.] On the order of the day for further considering the report of this bill,

Mr. *Wilmot Horton* said, that this was a bill which related to New South Wales, most especially in the light of a British colony; whereas, in its previous measures with respect to this settlement, government had always treated it rather as the destination of certain individuals, who were sentenced on account of particular offences to be transported thither from the mother country. In the commissioner's report that had been lately printed, three places had been particularly designated as proper for the foundation of a new settlement, to be so ordered and governed as to combine the two great and, sometimes, incompatible advantages, of effectuating the objects of the law by the imposition of punishment, and of rendering the services of the individuals so punished useful to themselves and to the state. Of these three places, one in particular, which had already had a partial trial—he meant Norfolk Island, situated to the north of the colony—was singularly well calculated, from the beauty of its climate, and the fertility of its soil, for the establishment of what he might call a penitentiary on a great scale. The convicts might be made to cultivate the land, and to raise, as well as manufacture, produce for their subsistence and clothing. It had been truly stated, that, in too many instances, transportation was looked to by the guilty offender, not so much as a visitation for his crimes, as a better condition and a more fortunate state of existence; but the necessity of labour, while it answered all the useful purposes for which employment was applicable, and in which it could be beneficial to the community, was well calculated to remove so mischievous a delusion; and at the same time, in offering to the convict neither the leisure nor the temptations of vicious indolence, to effect in his habits and character, that reform which ought to be the ultimate object of all punishments. Another object contemplated by the bill was, to secure the employment of convict labour (as we understood the hon. gentleman) in detached parts of the colony, on a more extended and general plan than the present system of locations admitted of. The house would easily perceive, that at present, in proportion to the influx of agricultural settlers into the colony, so was the approximation of convicts to convicts; and the manifest consequence of this was, as had been pointed out by the commissioner, that these men, being brought once more into contact with each other, relapsed into the commission of those vices or offences which it ought to be the essential object of the colonial government to prevent by a judicious system of separation. It would be accordingly proposed, that convict labourers might be assigned to particular services, in small numbers, in distant and detached parts of the colony. As to the higher class of convicts, who had been transported for crimes from which their misused talents ought to have preserved them, much difficulty had naturally been felt as to the degree and mode of punishment that they ought to experience; and though it might not seem advisable to require of them agricultural or manual labour, it by no means followed that they ought to be exempted from all infliction of punishment. Whether a suggestion which had been thrown out in the report, that it might be expedient to employ them as schoolmasters for the children of the convicts, was one which could beneficially or conveniently be acted upon, it would be for the government to consider. He apprehended that some objection would be made to the fourth clause, which provided that all offences should be tried before judges. Some hon. members, he understood, wished that the trial by jury should be substituted for the trial by judges. He, however, was of opinion, that at present it would be unwise to select juries from the peculiar population of New South Wales. It was, however, provided by the bill, that in cases where both parties desired it, trial by jury might be allowed. He concluded by moving, that the bill be re-committed.

Mr. *Bright* said, that the trial by jury had been always justly considered as one of the proudest marks of freedom. With respect to the colony in question, Mr. Justice Bent had expressly and forcibly recommended that form of trial. It was a great mistake to suppose that the population of New South Wales was not prepared for that form of trial. The colony of New South Wales was not a colony of convicts. There were to be found there many free settlers who had voluntarily embarked their character and their capital; and who, on every principle of justice and policy, were entitled, as free Englishmen, to all the privileges and rights of the constitution. With respect to convicts, many convicts resided in New South Wales, having satisfied the severe penalties of the law, who were at this moment most industrious and valuable members of society, and who were deserving the rights of British subjects. He thought, therefore, that upon every fair view of the situation of the colony, and upon principles of public policy, the trial by jury ought not to be withheld. He thought that the bill professed to settle a variety of objects, too important to be so disposed of at the termination of a session. The trial by jury, as contemplated, was a farce; the Insolvent Court was a system of monstrous absurdity and injustice; and as for the Court of Requests, and the Court of Foreign Attachments, if any necessity for such tribunals existed, their formation might be deferred for another year. The bill was drawn with such an utter contempt of every principle of British jurisprudence, that he doubted whether all the lawyers in the house would ever be able to get it into shape. As for the council given to the colony, what did it amount to? The members were appointed by the Crown; they might be removed by the Crown; they had not the power of initiating any measure; and a law proposed by the governor might, in some cases, be passed without their consent. He could not help believing, that the bill, if it passed in its present state, would be a mischief to the colony rather than an advantage; and he should, therefore, move," that the report be further considered this day six months."

Mr. *Bennet* said, he took a different view of the bill from that which had been taken by the hon. member for Bristol. He thought that the colony was not yet fit for such an institution as the trial by jury. The number of persons who could be found in New South Wales fit to sit upon a jury was small indeed. The possession of wealth in that country by no means indicated (of necessity) respectability of character; for many of the most opulent and extensive land-holders had acquired their property, even in the colony, by the most dishonest and disgraceful means. According to the report of Mr. Biggs ,out of 4,376 remitted convicts in New South Wales, 369 only were living in any degree of respectability upon their means. Even where there were men of great property, they had often acquired it by acts of the grossest swindling. A person who had been transported for an act of robbery on a bank on a large scale had carried with him the property, and was living opulently in the colony. A person who was living with this individual as a servant had written home, that it was a happy night in which he had committed the robbery for which he was sent there, as he was servant to "Squire Love," who was a gentleman of great opulence and liberality. With such a population, the institution of jury-trial could not turn to good. He remembered that at Turin, he was informed, that though Bonaparte had done a vast deal of good, he had introduced one law, which had spread terror throughout the country, namely, the examination of witnesses *vivâ voce,* in presence of the accused. The consequence of this was, that witnesses were murdered. This excellent law was thus pernicious, for want of accompanying protection; and so it was, that most enactments, however excellent in other situations, would, when unsuited to the state of society, produce the most calamitous results. The hon. member then detailed circumstances, to prove the general corruption of morals in New South Wales, and particularly mentioned the small number of marriages in proportion to the population, from the general aversion of the youth, who were accustomed to the constant exposure of females in the most degraded character. Under the actual state of things, he thought the bill necessary, and, with a few amendments, he should give it his support.

Sir *J. Mackintosh* said, that the bill bestowed none of the blessings of the British constitution on the inhabitants of New South Wales, with the exception of that simple, summary, cheap, and expeditious system of justice of which they had recently heard so much—the Court of Chancery. The policy which England had adopted towards her colonies had been various at various times. The first and best had been that under which Englishmen carried, wherever they went, the institutions of their native land, and under which colonies, instead of subaltern despotisms, became societies of freemen. All the arguments now used against the extension of trial by jury to New South Wales, might have been applied to the extension of trial by jury to the colony of Virginia at the time of the Revolution. There were many convicts, many slaves, and few persons of considerable property. Yet we saw the beneficial effects of free institutions in Virginia. The next system pursued was, the introduction of absolute power into the colonies, of which an unhappy example had been given in Canada. Each of these systems was consistent in itself—one in good, the other in evil; but the present experiment wavered between both. He deprecated most strongly the impolicy and injustice of postponing those clauses of the bill, the object of which was to confirm the pardons granted by the governor of the colony, on the ground of the necessity of revising those pardons. The object of those clauses was, to secure the individuals, to whom the pardons were granted, in their persons and possessions, and it was an act of the greatest injustice to postpone the consideration of them to another session.

Mr. *Peel* said, that it was impossible that the details of the bill could have been fully considered by ministers, in consequence of the great press of other important business. With respect to the clauses which related to rendering the pardons granted by the governor valid, he would admit the justice of making them so, but for the present would limit the act to persons still in New South Wales.

Mr. *Denman* insisted upon the justice of realizing the hopes held out to all those to whom the governor had granted pardons. He contended against the policy of appointing officers in the army and navy to decide questions, on which property, liberty, and even life might depend. He would give the colonists the advantage of jury-trial as in England. By placing such confidence in the people there, they would be excited to a much greater respect for themselves and the law, than could be looked for while they were deemed unworthy to be intrusted with so valuable a privilege.

The House then went into a committee on the bill. Several amendments were proposed. To that which allowed Officers of the Army and Navy to judge cases, Sir J. Mackintosh objected, and proposed the addition of the words "a Jury of twelve men duly qualified to serve." After a few words from Mr. W. Horton, in opposition to the Amendment, upon the ground that, according to the opinion of all the Judges who had been in that Colony, it would be impolitic; and from Mr. H. Gurney, Mr. Wilberforce, Mr. D. Gilbert and Mr. Bright, in support of it, the House divided: for the Amendment 30—Against it 41.

List of the Minority.

Attwood, M.
Bright, H.
Bailie, J.
Bennet, hon. G.
Coffin, sir I.
Denman, T.
Forbes, C.
Fremantle, W. H.
Gurney, Hudson
Gilbert, D.
Heber, R.
Hume, J.
Hutchinson, C.
Hart, G.
Hobhouse, J. C.
Lester, B.
Monck, J. B.
Maberly, J.
Money, W. G.
Marjoribanks, S.
Palmer, C. F.
Robinson, sir G.
Ricardo, D.
Rice, T. S.
Smith, R.
Smith, J.
Scarlett, J.
Taylor, M. A.
Tremayne, J. H.
Wilberforce, W.

TELLER.

Mackintosh, sir J.

HOUSE OF LORDS,

Tuesday, July 8.

IRISH TITHES COMMUTATION BILL.] The Earl of *Liverpool* rose to move the second reading of this bill—a measure of the utmost importance in itself, but of peculiar interest when considered in relation to the past and present condition of Ireland. To provide an efficient measure of that character was no easy task, when it was recollected, that though the subject had been often taken up, as well by those who considered tithes a grievance, as by others who were willing to substitute a corrective, yet the present was the first time of proposing any practical measure. When to such a difficulty was added the conviction, that a number of highly-important interests were involved in the question, the House would feel with him the solicitude with which he approached it. By the articles of the Union, it was imposed on parliament as an obligation to secure entire the Church Establishment of Ireland. That obligation he felt it to be the first duty to maintain inviolate; and any thing that would even tend to abridge or weaken its efficiency, he should consider most unwise. Many considerations pressed the necessity of inducing the residence of landed proprietors in Ireland; but it was of the highest consequence to preserve a resident clergy of the establishment; any thing that would have the effect of abridging such residence he considered as injurious to the best interests of Ireland, and most likely to aggravate the existing evils in its internal condition. It was, therefore, with the persuasion that the adoption of the present bill would strengthen, instead of weaken the influence of that enlightened body, that he proposed it to their lordships. Of the tithe property of Ireland, the House would bear in mind, two-thirds were in the possession of the established clergy—and, with respect to them he stated, without fear of contradiction, that they were, by far the most considerate and indulgent proprietors. The question of tithes, in the abstract, was not the question at present at issue. He was free to acknowledge that, abstractedly, he did not consider such a system a bad one; on the contrary, he thought it, under certain circumstances, the best mode of providing for the Church Establishment; but, in Ireland, where every species of property and industry was so subdivided—where there existed not a middle class of society, that stay and security of England, tithe property, as well as every other kind of landed income, stood in a very different position from similar property in England. In Ireland, where the proprietor drew his rents from 1,500 to 2,000 poor tenants, it stood in reason, without imputing any blame to the proprietor, that evils must arise in all the gradations, from the first composition to the ultimate remedy. The noble earl then took a concise review of the various provisions of the bill, and without discussing the efficiency of a compulsory clause, contended, that it was better, in the first instance, to leave the subject open to voluntary operation; because the legislature had reserved to itself the power of eventually, if it should be found expedient, having recourse to a compulsory enactment. The very measure of bringing into action parochial vestries in Ireland, would, from the fullest information he had received be productive of incalculable good effects. The bill was not proposed as a permanent measure, or as one which might not require modification; but as one which, on the whole, it would be wise upon the part of the legislature, not to reject. It was impossible that a perfect measure could be expected at once. Its defects could be shown only by experience. The bill had been thoroughly considered and discussed in the other house of parliament; and, on the part of the members of his majesty's government, with an anxious wish to render it a just and equitable measure. If their lordships wished to delay the measure until it could be made wholly unobjectionable in the first instance, they would never pass it at all.

The Marquis of *Lansdown* thought, that the principle of the bill should be reciprocity of advantage between the tithe-owner and the tithe-payer; and would suggest, therefore, that as the commissioners had power when they saw good, to add 20 per cent to the receipt of the clergyman, so they should have power, in such other cases as to them seemed fit, to diminish that receipt by 20 per cent. He objected also to the principle upon which the average had been formed. To take an average of seven years prior to the year 1821, was to throw in five years of the high prices which existed previous to the passing of Mr. Peel's bill; and, to construct a system which was to apply under the resumed cash-payments upon an average formed out of prices which had maintained under a paper currency, seemed unfair and absurd. Another important objection to the bill was, its effect upon the land of agistment. At present the holder of agistment land paid no tithe whatever; but, under the new regulation of payment by parishes, his privilege would be lost. He by no means said that the interest of individuals ought not, under some circumstances, to yield to the public advantage; but, in all cases where there was a loss, there ought to be an equivalent, and he doubted whether the operation of the bill would promise so much benefit to any parish, as to induce the holder of agistment land to surrender his personal exemption. It was to a commutation of tithes by exchange for land that he eventually looked for benefit to Ireland. He expected no relief from the measure before the House; but as it formed a sort of opening to an important subject, he would give it his support.

The Earl of *Harrowby* replied to the two principal objections to the noble marquis. The first was, the power given to the commissioners of increasing the tithe a fifth beyond the average. It should be considered, that no clergyman in Ireland had ever received all he had a right to. In most cases, the clergy did not receive half their right; in some cases, scarcely any. It was to provide against these last cases that the discretionary power in question was given to the commissioners. With respect to the holders of agistment lands, he admitted that there might be hardship in some of their cases; but the objects of the bill could not be carried into effect, without their consent in the vestries, in common with that of others. And if, after their tithes were fixed, they should break up their lands for the culture of corn, it would not subject them to any greater payment to the church. But the present was not a question to be tried by mere pounds, shillings, and pence. If the bill were worth any thing, it was worth what gold could never buy. Its effect would be, to remove some of the most galling circumstances in the situation of Ireland. He was not more sanguine than the noble marquis with regard to any rapid effect to be expected from it; for no measure but a compulsory one could have such an effect. It was better, however, to endeavour to obtain the object, although slowly, yet by the voluntary acquiescence of the people, rather than resort to more violent measures; which, however, he was ready to admit must be adopted should all conciliatory proceedings fail. He regarded the measure for commuting tithes in Ireland with the same favour as the noble marquis did; but he could not see any prejudicial consequence from its postponement until the next session; as its execution must depend upon the previous success of the present measure.

The Earl of *Carnarvon* was persuaded that no relief could be derived by Ireland from any measure that did not go much further than the bill before the House. They must either get rid of tithes, or they would get rid of Ireland. It was natural that, in a country in which there was one religion for the rich and another for the poor, one interest for the priest and another for the congregation, such a tax as tithes, irksome even in this country, would become doubly so. It was a hardship upon the agistment owner, that this was not only a strong, but a partial measure, as it affected his interests, from the commencement of its operation. He approved of the general spirit in which the bill had been framed; but he feared there were many parts of it which would tend to counteract that spirit, and intercept the benefit which might otherwise have been expected to result from it.

The *Lord Chancellor* said, he did not feel the slightest objection to the present measure. The compulsory clause had been withdrawn, and it was not necessary, therefore, to consider the expediency of introducing such a clause. He wished to make one observation, on a very erroneous opinion which had prevailed with regard to the nature of tithe. Tithe had been called a tax upon the land; but it could in no respect be considered a tax upon the land, for the tithe-owner was as much the owner of a tenth part of the produce, as the land-owner was of the other nine-tenths.

Lord *Clifden* complained of the tithe system in Ireland, as pressing with peculiar hardship upon the impoverished classes of the community. He believed that no benefit would result from the present bill without the introduction of a compulsory clause.

The bill was read a second time.

HOUSE OF COMMONS.

Tuesday, July 8.

NEW SOUTH WALES.] Sir *J. Mackintosh* rose to present a Petition from the body of the emancipated colonists of New South Wales, complaining of certain disabilities to which they had been subjected by the courts of law in that territory, and from which they had hoped to be relieved by the bill before the House, for the better regulation of the colony. The petition, he stated, had been sent over some time ago, with another to be presented in another place, but had not been heretofore presented, because the agents for the colony, who were in constant communication with Government, expected, and had strong grounds for expecting, that ministers would have supported a measure in the House, which would be in itself a gracious answer to the prayer of the petition, and would prevent the necessity of further application. That not having been done, he was under the necessity of making one more appeal, not to the liberality, not to the equity, not to the humanity of the House, but to its bare and strict justice, in behalf of a body of men who had been unjustly deprived of their rights, who were afterwards taught to believe that those rights would have been restored, but who were to the last hour most cruelly and miserably disappointed. The petition stated that the emancipated colonists were in number 7,556, having 5,859 children. It also stated, that they were the persons by whose labour and industry the colony had been cleared and cultivated, and raised to its present state of prosperity. The petitioners set forth, that they possessed 29,000 acres of cultivated land, 212,000 in pasture, 1,200 houses in towns, 42,988 head of cattle, 174,000 sheep, 2,415 horses, 15 colonial vessels of different burthens, 150,000*l.* employed in trade and agriculture, making in all a capital about a million sterling. They stated, likewise, that in consequence of instructions issued by his Majesty, in pursuance of an act of parliament, they had been manumitted, and allowed the rights of freemen, until by a determination of the Supreme Court of New South Wales, they were, in consequence of *lâches*, for which they were not answerable, deprived of the privileges to which they had been admitted. The omissions were chargeable on the public departments of the state, in not inserting or registering the pardons in the manner specified by the act, and in not issuing a general pardon, as ought to have been done, whereby one condition of the act of parliament was not performed, and the petitioners were, in consequence, decided to be in the situation of attainted felons. They could not sue or be sued in a court of justice; they could not give evidence or enjoy any other of the legal rights which belonged to freemen in civil society. They, therefore, prayed the House to take into consideration the decision pronounced upon their case by the court of Civil Judicature in the colony, and to afford such relief as to them might seem meet. The hon. and learned member observed, that he considered this as not only a strong, but an irresistible appeal to the justice of the House, and he still entertained hopes that the House would not allow the clauses in the bill to be omitted, which were intended to afford immediate relief to the petitioners, and which had been inserted by ministers themselves. He objected to the delay of the consideration of the bill to next Session, and he still more strongly objected to the pretext for that delay; which was, the necessity of an investigation into the propriety of the pardons.

Ordered to lie on the table.

DISTILLERIES BILL.] Mr. W. Smith, understanding that it was the intention of the Chancellor of the Exchequer to add, upon the third reading of this bill, a clause relative to the Scotch distillers, begged to inform him that he had a petition against that clause from the English distillers, who prayed to be heard at the bar by their counsel.

The *Chancellor of the Exchequer* said, he was aware of the regulations and the clause to which the hon. member alluded. The object of the present bill was solely to establish the uniformity of practice in Ireland and Scotland, with respect to the regulations and collection of the duty. It would have been desirable to assimilate, as much as possible, that practice to the English; but although the committee had made some suggestions on the subject, the report had not been received, until it was too late to adopt them. By the present law, a Scotch distiller wishing to avail himself of the advantage of the English market, was obliged to give twelve months' notice; during the whole of which period his still must be idle. Now, he could not admit the justice of this law with respect to the Scotch distiller; but as it was clear that the interest of the English distillers would be materially affected by the clause which he had intended to propose, he did not see how the House could refuse to hear them by counsel if they wished. He saw, however, that this would delay the bill so long, that it might endanger its passing in the present session, and rather than encounter that risk he would withdraw the clause.

Lord *A. Hamilton*, although he was bound to admire the right hon. gentleman's candour, could not approve of his determination to withdraw the clause.

Mr. *K. Douglas* supported the introduction of the clause.

The *Chancellor of the Exchequer*, in withdrawing the clause referred to, pledged himself that, next session, he would submit tot he House a measure to regulate the intercourse in spirits between the three kingdoms, upon a more equitable and intelligible principle than that now existing.

Mr. *Hutchinson*, in delivering his sentiments on the bill before the house, took the opportunity of alluding to a petition which had been presented on the part of the Irish brewers, in which they stated, that it had always been the anxious desire of the Irish parliament to encourage the consumption of malt liquor; and entered into a detail, to prove the propriety of encouraging that manufacture, and the injurious consequences of any measure tending to check it. Now, if the right hon. gentleman persisted in the present bill, it was but fair to give the Irish brewers some protection. The bill, as it respected Ireland, introduced two very important alterations; one was, the reduction of the duty; the other, the permission to work small stills. In his opinion, the reduction of the duty was a measure of a very doubtful character; and, as to the permission to make use of small stills, it was, with reference to Ireland, a perfectly revolutionary measure. Heretofore, the principle acted on was, to encourage large stills, and the consequent employment of extensive capital. Now, however, it was proposed to put small stills in competition with the large ones; and the probability would be, that, in proportion as the small stills were brought into action, those of a larger description would be injured, and persons who had vested their fortunes in property of that description would suffer severly. The right hon. gentleman had given notice, that he would, in the ensuing summer, give his most serious attention to the whole of the distillery system, for the purpose of simplifying it; and an hon. member had declared, that the British distillers were anxious for an investigation of the subject. He knew not what was intended to be done; but the whole system as disclosed in the bill now before the House, was completely new, and would compel the Irish distiller to learn his trade all over again. It would be better, at that late period of the session, to let the bill lie over, and during the recess to consider maturely the distillery regulations, and the whole question of commercial intercourse between England, Ireland, and Scotland. For so long as this question of intercourse between the three countries remained undecided, the Irish distiller could not possibly know on what footing he stood, and what preparations he ought to make to go into the British market. The act of Union had been grossly violated with respect to the intercourse of spirits between the two countries. By a clause in that act, the Irish distiller had a right to send his spirits, as manufactured in Ireland, to this country. But this was prevented by a new regulation. No sooner was the Irish spirit sent over, than it was discovered to be a most dangerous spirit, either too strong or too weak. Therefore, it was provided, that the spirit should go through the hands of a rectifier, and it ultimately resembled any thing rather than what it was when it left the Irish coast.

Colonel *Trench* said, the measure now under consideration was not founded on the principle of balancing the interests of Scotland against those of Ireland. For the first time, the whole question had been put on a proper and fair footing by the right hon. gentleman. He was convinced that, if the licensing of small stills was pushed still further, the result would be most beneficial. The army would not be demoralized, as they now were, in consequence of their being continually employed in what was called, "still-hunting."

The bill was then read the third time.

Mr. *Herries* stated, that there were several clauses about to be brought which would be added as riders to the bill.

Mr. *S. Rice* thought the whole proceeding of the gentlemen opposite was open to much objection. The measure now before the House would lead to a collision of interests. It was a bill of detail; and yet there were not three members of that House who had had an opportunity of knowing whether it was just or unjust. After excuses from gentlemen opposite, for the lateness of the period at which it was brought forward, and complaints from those who were interested in it, on the same account, they were now asked to decide, in a moment, on the mass of clauses that were now about to be proposed. This, to say the least of it, was a very clumsy mode of legislating. He deprecated the custom which had so long prevailed, of having a separate system with respect to the spirit trade, for England, Ireland, and Scotland. It established adverse interests; and the consequence was, that those who were near the head-quarters of authority—he meant the English distillers—obtained advantages over the distillers who resided in other parts of the empire. He hoped that one system would be adopted for the whole country.

Mr. *Wallace* said, the opposition which the hon. member threatened to the new clauses was but an indifferent reward for the anxiety which government had manifested to meet the wishes of all parties. The question had been discussed with those who were most affected by the bill, and there was not a clause which was not founded on the suggestion of the parties themselves. To the landed gentlemen of Ireland and of Scotland, government looked for the success of this measure: and if they afforded it support, he believed the bill would accomplish all the objects which those who framed it promised to themselves.

Several clauses proposed by Mr. Herries and the Chancellor of the Exchequer, were then assented to. After which, the bill was passed.

Collection and Management of the Land Tax.] Mr. *Hume* said, that in what he was about to state, upon introducing some resolutions relative to the collection of the Land-tax, it was not his intention to occupy much of their time; but having devoted much labour and attention to the consideration of the manner in which this tax had been long collected, he could not allow the session to pass without taking the opportunity of calling the attention of government to its serious importance. Ever since he had been induced to call on parliament to institute an inquiry into the extensive subject of the receivers-general and their offices, he had felt convinced that the mode in which the land-tax was raised in this country imposed a considerable expense on the public, and a needless loss upon some classes of the community. From what passed on the occasion to which he had just adverted, he did indulge a hope that the Chancellor of the Exchequer would ere now have adopted some means to prevent the abuses existing in this department of the public service. It had been proved in evidence before the lords of the Treasury that the Tax-office, instead of having any control over the collection of the land-tax, did, in fact, possess none whatever; that it knew not what was the specific amount so collected, excepting through information derived from the Exchequer. The consequence of this defective arrangement was, that much larger amounts were raised upon the people, on this tax, than the act under which it was so raised required. No sufficient check, it was pretty clear, therefore, had been provided, to protect the public from error or imposition. In order to satisfy his own mind about the business he had moved for a variety of returns, some of which only had been made. The others were either incomplete, or had not yet been prepared. Such, however, as had been laid upon the table, showed that in all London, Middlesex, and Westminster, there were only eight districts in which the collections of the land-tax had been made to square or balance with the quota which was required to be levied from such districts, under the act. The act of parliament in question (38 George 3rd, c. 60) was very specific in its enactments and directions; and therein the collectors were strictly enjoined to pay over every shilling they raised in virtue thereof, to the receivers-general of their respective counties or districts; and they were further forbidden, under heavy penalties, to retain in their hands any part of the revenue so raised. Now, the House was doubtless aware, that this revenue was collected by gentlemen resident within the district where they were to act, and who were to be remunerated for all services by a certain fixed poundage. All other expenses incidental to the collection were provided for in specific terms by the statute. For the office of collector of the land-tax, great interest was made; and as much bustle and activity prevailed, generally, when an election took place, as if it was a question of representing a borough or a county in parliament. Whether the gentlemen so elected had given themselves all the necessary trouble in the discharge of their duties, and had paid to it all the requisite attention, he did not know; but certain it was, that in very few instances had they discharged their duties in a manner consistent with the injunctions of the act of parliament. In the few instances wherein they had executed their offices properly, they had raised larger quotas than those which were fixed and ascertained by the act. Under that act, it must be quite manifest to hon. gentlemen, that the general quota to be raised having been limited and fixed in 1798 by the government, ought always to be the same. As the amount, then, had not hitherto been, and could not, under the statute, hereafter be changed, so the sum to be paid over to the receiver-general ought always to be the same. It was well known, however, that sometimes a large deficiency was experienced upon such sum; and then it, of course, became necessary to add a small proportion to the next assessment in order to cover such loss on the assessment of the preceding year. Now, there was no reason why the grievance of this addition should ever exist at all, if the commissioners of the land-tax did their duty, or if the Tax-office exercised their authority. He mentioned the Tax-office, supposing that board to be good for any thing—but, on the contrary, he was satisfied in his own mind that it was good for nothing. There was not a more useless board in the whole country, except for the purposes of litigious and vexatious proceedings. He contended, that it was the duty of the commissioners, whenever a larger revenue was raised in one year than was due under the quota assigned, to carry the excess to the credit, or in diminution of, the assessment for the next year. In some districts this had actually been done; but the general result of the returns in question was, to show, that the collectors had proceeded contrary to the provisions of the act of parliament, and that for the parties aggrieved there was little or no redress. In any other case, almost any man might become a public prosecutor; but in this, which was a case of manifest public and private injury, he could not become a prosecutor, unless he could demonstrate his own immediate personal interest. Until last year it was absolutely not known that the abuses of which he spoke had any existence. Of their existence, however, no better proof could be adduced than was furnished by one of the returns, attached to which was a note to this effect—"The nett surplus of assessment in any one parish is always retained in the collector's hands, to be applied in aid of deficiences in any subsequent assessment in such parish." On looking further into the return, however, he could not find that such appropriation ever took place. The fact was, as he believed, that it really did not take place; for in another column of the return, the House was actually presented with an account of the way in which this very surplus had been disbursed for expenses and allowances. These disbursements were wholly contrary to the principle of the note itself. Now, every one of these disbursements, moreover, with the exception of expenses for the room in which the commissioners were to meet, was provided for by name in the act of parliament—it was to be paid out of the poundage or rate allowed to the collectors. If that provision was insufficient, there ought to be a new act. He begged leave to cite another instance of the great laxity with which those returns were made. It would be remembered, that he had moved for two returns from the Kensington district. In the first of these, there was a surplus credited, as for the year 1818, of 753*l.* and another, for the year 1819, of 737*l.* This was the return in the paper of last year; but in the second paper, the commissioners had returned the surpluses for the same years—the first of them at 976*l.*; the second at 1,036*l.*—

The hon. gentleman then complained, that balances of 500*l.*, 600*l.*, and 700*l.*, were retained—in some instances, for years together—in the hands of the collectors, in absolute contravention of the act. All this was so hostile to the spirit of this statute, that government ought to take some measures for the future protection of the public. If the commissioners themselves were to inquire minutely into the collection of the tax, they could not help discovering very great laxity and abuse. At present, individuals had no means of knowing whether the legal quota was exceeded or not in the collection. It was somewhat curious, that though he (Mr. H.) had moved for returns since the year 1800, down to the present time, the order had in very few instances been complied with. In one case it was stated, that the last collector died a few years ago, and his books were not now to be found. But, did not this statement show the necessity of better regulating the whole affair? Though the public were secured, in so far as the act had limited the sum to be raised, it was not enough for any chancellor of the Exchequer to say, "it is sufficient that that sum has been collected;" for this was to leave individuals, however wrongfully assessed, without remedy or protection. The commissioners of the tax were appointed by the lords of the Treasury. He did think, that for their conduct and actions, they ought in this, as in other respects, to be responsible to the Treasury. Where an excess had been raised, it seemed that the greater part of it had been paid for "allowances and expenses;" but all these were provided for already, out of the poundage of the collectors. From what had been stated, it must be quite clear to the House, that the lords of the Treasury, having taken no steps in the business, with all these facts before them, it was time for parliament to interfere, and put an end to such a system of things. The return given in, instead of being for 20 years, were mostly for 5, 8, or 10; and if this was a deficiency owing to the loss of books and papers, sufficient ground was alleged to show, that as commissioners and collectors, in the course of things, might thus be enabled to play into each other's hands with impunity, some place and arrangement ought to be assigned for the better managing, keeping, and recording such books, accounts, and papers. As far as he could collect, it might be shown, that in 20 years, there had been an excess raised upon the districts of London, Middlesex, and Westminster, amounting in the aggregate to no less than 162,000*l.* He really wished the House to examine so important a matter as this was, where surpluses of such amount had been in no sufficient way accounted for. He was aware, indeed, that for the last 20 years the public accounts had been very imperfectly kept; but surely here was a subject that loudly demanded investigation. The hon. gentleman then entered into a statement of the substance of his resolutions, observing, that the aggregate deficiency in the course of 20 years, as on the sum accounted for compared with the sum raised, was so large, that he hardly could venture to name it; it appeared to be between 700,000*l.* and 800,000*l.* After some further observations on the returns laid on the table, the hon. gentleman expressed his hope, that although it was now too late in the session to enter on an inquiry of such magnitude, hon. members would be disposed to go into it at a very early period of the next session. He then proceeded to call the attention of the House to the great expense of the establishments connected with this tax, and the comparatively small amount of tax redeemed for several years. The expense of redemption and exoneration had been the enormous sum of 388,945*l.*, of which 59,032*l.* was paid to commissioners for the redemption and exoneration of church and corporation lands. But what he chiefly complained of was, that of this sum not less than 89,604*l.* was paid to the clerks of commissioners of districts, as allowance for poundage on land-tax redeemed. Now, this large allowance was, he maintained, quite contrary to the intention of the legislature, on the first establishment of this plan. He could not see why this allowance should be given at all. He would mention one case, to show the manner in which some of those clerks of commissioners of districts attended to their duty. There was a gentleman who was clerk to the commissioners of the Kensington division, and likewise to another division, and though he received the poundage of both, he did the duty of neither; and when the board removed him, he complained of having been ill-used; for that he had been 30 years in the situation without having a complaint made against him, though he had not made out the returns in that time; thus admitting that for all that time he had not known that it was a part of his duty to make such returns. He believed, however, that this practice had not since been remedied. He next called the attention of the House to the expenses of exoneration. The object of the act on this subject was, to exempt certain small church livings, under 100*l.* yearly value, from land-tax. To show the unnecessary expense that was incurred within a short time under this head, he would mention, that in the year 1820, the amount exonerated, under the direction of the commissioners for exonerating church and corporation lands, was 3*l.* 17*s.* 4*d.*, and in 1821, it was only 2*l.* 7*s.*; and the expenses of their office during these two years (including 600*l.* per annum to each of the two acting commissioners, of whom lord Glenbervie was one, and 400*l.* per annum to a secretary) amounted to no less than 4,662*l.* 19*s.* 2*d.* Now, he would ask, ought such an expense to be allowed to continue? If it was necessary to exempt small livings, why not have the holders of such give notice within a given time, after which the land-tax on them might be abolished, and the expense of the commission saved? This was a subject fully deserving the consideration of ministers, and certainly, if something was not done between this and the next session, to remove this unnecessary expenditure, he should feel it his duty to call the attention of the House more particularly to it. The hon. member then recapitulated the leading points of his argument, and concluded by oberving, that much of the public money had been already thrown away, by the mode adopted with respect to this tax, that might have been spared, but that still a very considerable saving might be made to the country, if government would adopt measures for purchasing the remaining land-tax. He then moved the following resolutions:

"1. That, by various returns presented to this House, during the last and present session of parliament, it appears, that the land-tax of England and Wales, made perpetual by the act of 38 Geo. 3rd, c. 60, was fixed at 1,989,673*l.*: that that amount was received and accounted for in each of the two years 1797 and 1798; and that, in the year ending the 5th of January, 1822, the amount of land-tax received and accounted for was only 1,234,168*l.*, showing a diminution of 755,505*l.* in the annual receipt.

2. "That from the period of passing the act of 38 Geo. 3rd, c. 60, to the 5th of January, 1822, the sum of 692,613*l.* of land-tax in England and Wales has been redeemed; and under the act of 46 Geo. 3rd, c. 133, and other acts, small livings and charitable institutions have been exonerated from the land-tax, to the amount of 8,801*l.*, making together the sum of 701,414*l.* redeemed and exonerated in the 23 years.

3. "That these returns show an actual reduction between the amount received in the years 1821 and 1798, in the annual amount of land-tax, of 755,505*l.*, whilst the sums redeemed and exonerated, amount only to 701,414*l.*, making a difference and deficiency of annual land-tax of 54,091*l.* to be accounted for.

4. "That out of the 701,414*l.* of the land-tax redeemed and exonerated in the 23 years ending the 5th of January, 1822, 660,907*l.* thereof had been so redeemed and exonerated prior to the 5th of January, 1813, leaving the amount unredeemed, and receivable in the year 1813, to be 1,328,766*l.*; and as the amount of only 40,507*l.* was redeemed and exonerated in the nine years, from the 5th of January, 1813, to the 5th of January, 1822, there remained of the land-tax unredeemed, due, and receivable in England and Wales, in the said nine years, the aggregate sum of 11,708,277*l.*: whilst it appears by the returns before this House, as well as by the annual finance accounts, that during that period, 10,980,589*l.* only has been accounted for, showing a defalcation of no less a sum in the aggregate of the nine years, than 728,688*l.*, or an average of 80,965*l.* per annum; as is more particularly exemplified in the following statement, viz.—

Land-Tax redeemed, exonerated, and received, in nine years, from 1813 to 1821 inclusive.

Years ending.	Amount redeemed in each year.	Amount exonerated in each year.	Total redeemed and exonerated.	Leaving the amount unredeemed and receivable in each year.	Amount which has been accounted for. (*Vide* No. 240)
	£.	£.	£.	£.	£.
Dec. 1813	6,798	146	6,944	1,321,822	1,272,257
1814	9,459	1,124	10,583	1,311,239	1,261.029
1815	4,835	122	4,957	1,306,282	1,166 164
1816	3,452	..	3,452	1.302,830	1,203,310
1817	3,014	221	3,235	1,299,595	1,210,217
1818	3,900	379	4,279	1,295,316	1,240,535
1819	2,633	167	2.800	1,292,516	1,229,535
1820	2,008	..	2,098	1,290,418	1,163,383
1821	2,155	4	2,159	1,288,259	1,234,168
Total..	38,334	2,163	40,507	11,708,277	10,980,589
Amount accounted for				10,980,589	£80,965 per ann. average.
Difference of defalcation				728,688	

5. "That, in addition to the defalcation exhibited in the preceding resolutions, it appears, that the expenses incurred under the before-mentioned acts, for the redemption and exoneration of the land-tax, have amounted to the enormous sum of 388,945*l.* in the proportion of 59,032*l.* by the commissioners for the redemption and exoneration of church and corporation lands; of 240,399*l.* by the Tax-office; and of 89,604*l.* paid to the clerks of the commissioners of districts, as allowance for poundage on land-tax redeemed.

6. "That, in addition to the expenses incurred, as stated in the preceding resolution, there further appears, at page 204 of the finance accounts, for the year ending the 5th of January, 1811, the following item: viz. 'To the commissioners for the redemption of land-tax, &c. by ecclesiastical and corporate bodies,' a charge of 12,000*l.*; which does not appear

to be entered in any of the returns made to parliament which purport to contain an account of all the expenses incurred under the said acts.

7. "That, by a return made to parliament this session, it appears that there has been paid into the receipt of the Exchequer by the receivers-general of land-tax, on account of interest on instalment considerations, and other payments deferred, since the passing of the act of the 38th of Geo. 3rd. c. 60, to the 5th of January, 1823, the sum of 211,547*l.*; whilst only 75,968*l.* appear to have been accounted for in the finance accounts annually laid before parliament.

8. "That whilst in the nine years from the 5th of January, 1813, to the 5th of January, 1822, the total amount of tax redeemed and exonerated has been only 40,507*l.* the expenses in the same period have amounted to no less a sum than 82,487*l.* exclusive of 38,949*l.* paid to clerks of districts for poundage on land-tax, after it had been redeemed.

9. "That although the amount exonerated under the direction of the commissioners for the redemption and exoneration of church and corporation lands in the year 1820, was only 3*l.* 17*s.* 4*d.* and in 1821, only 2*l.* 7*s.* and the expenses of their office during those two years, (including 600*l.* per annum each to two acting commissioners, and 400*l.* per annum to a secretary) amounted to no less a sum than 4,662*l.* 19*s.* 2*d.*, yet it does not appear that his majesty's ministers have taken any measures to free the public from so great and unnecessary a charge."

On the first resolution being put,

The *Chancellor of the Exchequer* said, that having been favoured with a sight of the resolutions, he did not expect that their discussion could have called for such observations as those in which the hon. member had indulged, with respect to the disbursements made by the commissioners of land-tax, out of the public money. If there were any such as he had mentioned, no doubt it was wrong; but the hon. member must be aware, that those commissioners were appointed by act of parliament, and were not under the control of the Treasury. It could not, therefore, be expected that government could be prepared to answer upon those points. Leaving them, then, he would come to the resolutions; and he trusted, that in a few words he should show that they ought not to be adopted by the House. In the first resolution the hon. member stated, "that the land-tax of England and Wales, made perpetual by the act 38th Geo. 3rd. was fixed at 1,989,673*l.* Now it was true that by the act passed in 1797, this sum was named; but that act was called the annual Land-tax act. In the year 1798 another act was passed, which made the land-tax perpetual. This act assumed as its basis the sum of 1,989,673*l.* but a clause was introduced which left out the tax on pensions and offices, which were not made perpetual. The sum thus left out was 127,000*l.* The act of 60th Geo. 3rd was the same as the act of 1797, minus the 127,000*l.* which was not perpetual, but regulated by an annual act. The amount of this sum varied in different years, and it was reduced from 151,000*l.* at which it stood in 1808, to 39,000*l.* which was its amount in 1820. Here the hon. gentleman had, in the outset, made a most erroneous calculation, and the whole of his deductions founded upon it were consequently erroneous. With respect to the expense, the right hon. gentleman contended that the sum of 398,945*l.* the expense of collection and management, was by no means money thrown away; for the country had already gained 1,500,000*l.* by the operation of the act. He would admit, however, that some of the expenses were worthy of the consideration of government, in order to see how far they could be reduced. He would admit, that the amount of exoneration within the last two years was small; but the House would recollect, that the commissioners had a very extensive and delicate correspondence to maintain, and that great discretion was vested in them. At the same time, he would have no objection to inquire how far it might be necessary to continue the establishment permanently. But the hon. member would bear in mind, that all those commissioners exercised their functions under the authority of an act of parliament, and that it was not in the power of the Treasury to displace them without the introduction of a legislative measure. The Treasury, however, had shown no disposition to fill up the vacancies which had occurred. In conclusion, he said, he should feel it his duty to inquire into the facts, how much better the duty might be performed, and with what diminution of expense to the public; but beyond that inquiry, he would not pledge himself at present.

Mr. *Maberly,* after suggesting to his hon. friend to withdraw the resolutions, as they were founded on an erroneous assumption, observed, that if those commissioners were not under the control of the Treasury, it was high time that they should be, or that the House should take the subject into its own hands. He was of opinion, that the best way would be to leave the subject to his majesty's ministers, who were the fittest to examine into it; but, if something was not done in it early in the next session, he hoped his hon. friend would bring it again before the notice of the House.

Mr. *Hume* said, that as his object had been for the present answered, by calling the attention of ministers to the subject, he would, with the leave of the House, withdraw his resolutions.

The resolutions were accordingly withdrawn.

CONDUCT OF CHIEF BARON O'GRADY.] Mr. Brogden reported the resolutions of the Committee of the whole House on the conduct of the Chief Baron of the Irish Exchequer. The said Resolutions are as fullows:

1. "That, in consequence of an address from the House of Commons, his late majesty was graciously pleased to issue a commission under the great seal for examining the salaries, duties, and emoluments of the several officers, clerks, and ministers of justice, within that part of the United Kingdom called Ireland; and that the commissioners so appointed have laid before parliament eleven several reports, founded on the examination of the parties, as well as on evidence taken on oath, the ninth and eleventh of which reports relate to the judicial fees of the court of Exchequer in Ireland; that, on the faith of the reports of the commissioners so appointed the legislature has acted, regulating some offices, abolishing others, and introducing a new system of proceeding in the courts of King's-bench, Common Pleas, and the common-law side of the Exchequer."

2. "That the office of lord chief baron of Ireland is an office of the highest dignity and importance, on the impartial and uncorrupt execution whereof the honour of the Crown and welfare of the realm greatly depend."

3. "That the right hon. Standish O'Grady was appointed lord chief baron of his majesty's court of Exchequer in Ireland in the month of October 1805, and became entitled by such appointment to a salary of 3,500*l.* per annum, and to the lawful fees incidental to his office."

4. "That it is stated in the aforesaid ninth report, that by an alteration of practice introduced by the present lord chief baron, fees are now received for his lordship's use on bills of costs on the law side of the Exchequer, in cases where the bills of costs are not and never were made out; that a select committee having considered the statement of the commissioners, and the evidence taken on oath before them as aforesaid, together with the reply of the lord chief baron, and having reported thereon to the House, and the said report, together with the reply of the lord chief baron, having been referred by his majesty's government to the said commissioners, the said commissioners, after a further examination of the lord chief baron and of other witnesses on oath, have again reported, that by the alteration of practice introduced by the present chief baron, fees have been received for him on bills of costs in cases where no bills of costs existed; and that it is further stated in the report from the select committee on the eleventh report of the commissioners of inquiry, that the direction of the chief baron, as stated by Mr. Pollock, to whom it was personally given, that the fee of 2*s.* 2*d.* should be charged and received for him upon all bills of any sort that were taxed in the Office, and had it been so confined in its operation, it does not appear to your committee, from any evidence before them, that it would have been incorrect, except so far as relates to the increase already noticed under the head of currency; but under this regulation in practice the fee is now stated to have been received by the officers of the court on behalf of the chief baron in certain cases, and by the chief baron himself in others, upon all writs except renewals of executions in case, including the writs specified in the eleventh report of the commissioners, upon which no bills of costs could ever have arisen."

5. "That it is stated in the aforesaid ninth report, that, in pursuance of an order made by the present lord chief baron, fees have been received as for his lordship's signature to a description of writs, on which, previously to the year 1805, no fees have been charged; that, notwithstanding such charge, these writs still remain without signature, except in

a very few instances, when intended to be executed; that a select committee, having considered the statement of the said commissioners, and the evidence taken on oath before the said commissioners, together with the reply of the lord chief baron, reported to this House, 'That it was not alleged that the extension of this application of a fee was warranted by practice at any former period.'"

6. "That it is stated in the aforesaid ninth report, that, pursuant to an order made by the present lord chief baron, certain fees, which had, previously to such order, been accustomed to be received for the said lord chief baron in Irish currency, has been subsequently charged in British currency, whereby the amount of such fees has been augmented 8⅓ per centum."

7. "That it is stated in the aforesaid ninth report that an ancient fee is payable to the said lord chief baron on perusing and signing every decree, and a like ancient fee, of the same amount, for every exemplification of a decree (not under the four seals), but that no other fee is payable to the lord chief baron, in respect of any decree, or any copy thereof."

8. "That it is stated in the aforesaid ninth report, that, pursuant to an order made by the present lord chief baron, the ancient fees so payable on perusing and signing a decree, has been collected on the previous proceeding of setting down the cause for hearing, notwithstanding which, a like fee was again demanded and paid to the lord chief baron on making up the decrees, although one only of such decrees appears to have been exemplified; that a select committee having considered the statement of the said commissioners, the evidence taken on oath before the said commissioners, and the reply of the lord chief baron, and having reported to this House, and these several reports having been referred by his majesty's government to the said commissioners, they have, after further examination of the lord chief baron, and of other witnesses on oath, reported to this House, that the distinction between exemplifications and copies had been understood and maintained in the court of Exchequer, and that previously to the appointment of the present lord chief baron the fee upon signing a decree had been the only fee accruing to the lord chief baron upon the passing of a decree."

9. "That the said reports of the commissioners of inquiry, so founded upon evidence taken on oath, and upon the examination of the chief baron of Ireland himself, having been, together with the two letters from the chief baron in reply to those reports, referred to a select committee during the present session of parliament, a report has been presented, adverting to the alteration of fees from Irish to British currency, to the fees on writs, the fees on decrees, and the fees on taxation of costs."

On the motion for agreeing to the first resolution,

The *Solicitor General* expressed his conviction that no corrupt motive could be attributed to the learned judge. If the resolutions, however, were agreed to, and placed on their Journals, they would imply a censure on him, unless followed up with some such resolution as the one which he had prepared, without concert with any body, and which he would now move: viz. "That it does not appear to this House that there are sufficient grounds to ascribe the alteration stated to have been made by the chief baron of the Exchequer in Ireland, in the fees of his court, to any improper motive on the part of that judge."

Mr. *Canning* would not express any opinion on the resolution proposed by his hon. and learned friend. He would rather wish the hon. member for Limerick would propose a resolution.

Mr. *S. Rice* declared that he should have been willing to have followed up the resolutions of fact, by a resolution expressive of the opinion of the House; but from that course he had been deterred by what he understood to be the opinion of a great number of gentlemen.

Mr. *Hume* said, that the motion of the hon. and learned gentleman certainly was not consonant to the understanding which had been come to on the subject.

Dr. *Lushington* said, he was completely taken by surprise by the hon. and learned gentleman coming down at that hour, and moving a resolution, which was in fact decisive of the whole question.

Mr. *Scarlett* said, he was strongly inclined to concur in the substance of his hon. and learned friend's resolution. He certainly did not believe that the conduct of the learned judge in question was imputable to corrupt motives. He suggested, however, that it might be expedient to word a resolution to the following effect:—"that it appears by the fifth report of the commissioners, that for the last 100 years a discretionary power has been exercised by the courts of justice in Ireland, and by some of the individual judges, to increase the fees of the courts, from which, in some instances, the judges themselves derived advantage. That by a recent act of parliament all fees of that nature have been abolished. And that under the circumstances of the case the House does not think it expedient to adopt any further proceeding with respect to chief baron O'Grady.

Mr. *Daly* was of opinion, that the hon. member for Limerick could not justly complain of being taken by surprise.

Mr. *W. Courtenay* never understood that the delay in passing a resolution of opinion, grounded on resolutions of fact, was to be the delay of a session. It might, however, be expedient to adjourn the discussion.

Mr. *S. Rice* said, it had been distinctly understood, that the object of confining his resolutions to mere matters of fact, was to give the chief baron fair parliamentary notice of what was going on, that he might be prepared to explain, and defend his conduct. Now, however, it was suddenly proposed to agree to an exculpatory resolution.

Mr. Secretary *Peel* said, that the question on which he was called upon to decide was not, whether the chief baron was guilty or innocent, but whether he should be put on his trial or not. He was for not putting him on his trial.

Colonel *Barry* wished the hon. and learned member for Peterborough would adopt the precise words of the report of the commissioners.

Mr. *Scarlett* consented to do so, and observed, that the early part of his resolution would then be to the following effect, "That it is stated in the fifth report of the commissioners, that it is not their province to discuss 'how far, or within what limits, the judges of the superior courts of law, are authorized to establish new or increased fees for their own services;' 'but that it will be seen, from the table subjoined (to their report), that a discretion of this nature has, in fact, been exercised to a considerable extent at some period or periods within the last one hundred years; and that, during the time of the present chief justice of the Common Pleas, such an exercise of judicial authority appears to have occurred in three instances.

Captain *O'Grady* said, he should be perfectly satisfied with that resolution, if there were added to it the following sentence from the ninth report of the commissioners: "If the amount of the increase of the judicial fees in the court of Exchequer be greater than in the other two courts, the more extensive jurisdiction of that court ought to be recollected."

The nine resolutions of the committee were agreed to, and the debate on the resolution proposed by Mr. Scarlett was adjourned till to-morrow.

HOUSE OF LORDS.

Wednesday, July 9.

ENGLISH CATHOLICS ELECTIVE FRANCHISE BILL.] The Marquis of *Lansdown* observed, that there were two bills before the House for the relief of the Catholics of England, by placing them nearly on the same footing as the Catholics of Ireland. It was for the purpose of moving for the second reading of the first of those bills, namely, "a bill to repeal so much of the statute of William 3rd, as related to the administration of the oath of supremacy to persons voting at elections of members of parliament," that he now addressed their lordships. The greatest difficulty he experienced was in anticipating on what possible ground this measure could be opposed. It was necessary that their opponents should establish, either that Mr. Pitt and the Protestant government and parliament of 1793 were in error, when they admitted the Irish Roman Catholics to the enjoyment of the elective franchise, and to the eventual enjoyment of certain civil offices, or that circumstances attached to the Catholics of England which did not attach to the Catholics of Ireland, and which rendered the former incapable and unfit to enjoy those constitutional privileges which had been with propriety and safety communicated to the latter.—In reply to the latter objection, if it were made, he would ask whether, on the most deliberate view that could be taken of the condition and history of the Catholics of England, and of their uniform good conduct and peaceable demeanour, any thing appeared which could justify parliament in withholding the invaluable privilege of being represented in parliament, so necessary to the security of the British subject, and without which the British constitution could scarcely be called a blessing? He really did not know how to argue the subject. It was for those who thought there was something in the character of the English Catholics which rendered it dangerous to grant them what the Irish Catholics had so long enjoyed, to point out the danger. For himself, he was persuaded, that if there was any difference in the two classes of persons, it was (without meaning to cast any slur on the Irish Catholics) in favour of the Catholics of England. He knew it might be said, that the elective franchise had been, in many instances abused in Ireland, that votes had been manufactured, and 40-shilling freeholders driven up in herds to the hustings. But not a small portion of the blame of those proceedings attached to the successive governments of that country; for, whenever a commodity was found to be marketable, it was not surprising that human infirmity should avail itself of the possession of that commodity for purposes of personal interest. He trusted their lordships would not be told that the subject was new, and one to which they were unaccustomed; and that the proposition to place the English Catholic where the Irish Catholic was placed twenty or thirty years ago, was consequently one which it was difficult and hazardous to deal with. Nor, he hoped, would it be said, that the Catholics of England had not petitioned for this concession, and therefore that it was not necessary to communicate to them advantages which they had not sought. He had always understood that when the privileges of the constitution were conferred on any class of his majesty's subjects, it was not for the exclusive benefit of that class, but for the benefit of the whole community. Therefore, although no petition had been presented from the English Catholics (and indeed, had he been consulted, he would not have advised them to present a petition for a measure so limited as the present), yet, if their lordships thought the measure right, he did not conceive that that was a ground on which it ought to be rejected. Their lordships ought especially to hesitate before they refused to place the Catholics of England on the same footing as the Catholics of Ireland, at a time when the intercourse between the two countries was every day increasing, and when the inhabitants of both were more closely assimilated in every respect, even down to the clothes they wore, and the produce they consumed. It had been somewhere insinuated, that this bill would place the Catholics of England in a better situation than the Protestant Dissenters. If it were so, he would decidedly oppose it. But directly the contrary was the case. Even if the present bill were passed, the Protestant Dissenter might still be eligible to certain offices from which the Catholic would be excluded. The bill would not even place the Catholics of England on precisely as good a footing as the Catholics of Ireland, for the former would still remain exposed to the operation of the Test act, from which they could be relieved only by an annual indemnity bill.

Lord *Redesdale* opposed the motion. To give the elective franchise was, he said, to give political power. The consequence of granting the Irish Catholics the elective franchise had been the creation of two interests at every election, Protestant and Catholic, in violent hostility to each other. He could never consent to any measure which had a tendency to overturn that Protestant establishment which every loyal subject was bound to maintain. Nothing should induce him to risk the sacrifice of a single point which he thought went to the conservation of that establishment. Let their lordships look at the preamble of the statute of William, which it was sought by this bill to repeal. The necessity of that statute, as a security to the Protestant establishment, was there unequivocally declared. In his opinion, the necessity was as great in the present day as in the time of king William. As to the oath of supremacy, he denied that, by any existing law, it was distinctly enacted that that oath should be remitted to the Catholics of Ireland. The noble lord concluded by moving, that the bill be read a second time that day three months.

The Earl of *Westmorland* said, it was with great satisfaction that he saw the claims of the Roman Catholics of England brought before parliament, divested of all considerations connected with Irish politics and Irish party. The excellent conduct of that body, during so long a period, entitled them to every concession which could be extended to them, consistently with the safety of the constitution. There was no argument which could be urged in favour of granting those privileges which had already been conceded to the Catholics of Ireland, which did not apply with double force to the propriety of conceding them to the Catholics of England. He was so far from thinking that the agitation of the Catholic question was calculated to do mischief, that he was persuaded it rather tended to tranquillize the public mind in Ireland. If the whole of the Catholic question, however, were granted to-morrow, he did not believe that it would have the slightest effect upon the peace of that country. He believed that the Catholics were in general a loyal body. It was said, that if this measure were carried, it would give the Catholics an influence in the deliberations of parliament; but such an influence was no more than so large a body of his majesty's subjects were entitled to. He had not altered his opinions as to the impolicy of granting further concessions to the Roman Catholics of Ireland; and it was for that reason that he supported the present measure, which went only to place the Catholics of England upon the same footing.

The Bishop of *Norwich* said, that the general question involved in the bills now before the House had been so frequently discussed, that it would require little short of inspiration to suggest any new arguments in support of the propriety of concession, or even to give a new colouring to the arguments which had been already employed. Much as this question had been discussed, the result had not been such as might have been reasonably hoped for, from the liberal and enlightened spirit of the age; from the progress of intelligence in every part of the united kingdom; and from the more extensive diffusion of the mild and tolerant principles of Christianity, by means of various religious institutions, and especially the bible societies. It could not but be highly gratifying to every generous mind, to observe that those prejudices which once existed with regard to the unwise and unjust restrictions on our Catholic brethren had been thrown off in every quarter, except in that quarter alone where they ought least to exist—because this was not a religious but a political question, and as such came rather within the province of statesmen than of divines. He should not, indeed, have presumed to trespass upon their lordships attention, if he had not felt himself called upon to embrace the present opportunity—the last, probably, which at his age he could expect to have—of protesting most strongly, in his own name, and in the names of many learned and excellent clergymen of his diocess, against the assertions contained in some of the petitions which had been recently laid upon the table. He protested against such assertions, because he was firmly persuaded that the security of the church of England, or of any Christian church, could never be endangered by acting upon Christian principles; and that the security of our civil institutions could never be endangered, by uniting the hearts and hands of all subjects of every denomination in the ties of gratitude and affection, which were the firmest bond of peace. He should probably be told, that these remarks had been made a hundred times before. Be it so. They were, nevertheless, extremely important, and could not be too often or too forcibly circulated, as long as men were to be found who, in defiance of reason and experience, of policy and justice, obstinately persisted in opposing all innovation, as they termed it, in church or state, who resisted all reform however moderate, or however much called for by public opinion, and who resolved to live and die under the old establishments. Such language, from whatever quarter it might come, was ill-suited to the present state of knowledge in the world, and in direct opposition to that active and progressive spirit of improvement, which had excited our own as well as other nations, and which he trusted no holy alliance would ever be able to arrest. Old establishments, however venerable from their antiquity—a quality of which he was far from wishing to speak with flippant disrespect—must bend to public opinion, for public opinion most assuredly would not bend to them; and laws, which might have appeared expedient and necessary 150 years ago, should not continue in force, when the reasons on which they were enacted, had ceased to exist, and their operation had become injurious and unjust. When every other art and science was so much advanced, was legislation, the most important science of all, to remain stationary, instead of keeping pace with the general improvement? That could never be; for every thing human must yield to the great law of change, the most powerful and uncontrollable of the laws of nature. The senseless cry of innovation had succeeded to the more noisy and wicked cry of "No Popery!" Happily for the peace of society, both these cries had become harmless and ineffectual;

for there were very few in the middle ranks of life, and not many even in the lowest, who did not perfectly understand, that to these most dreaded innovations we were indebted for many of the greatest blessings which we enjoyed. The Revolution was an innovation; Christianity itself was a glorious innovation. The historian of the Roman empire informed us that in the reign of Valentinian, a heathen high priest pronounced an oration before that emperor, in which he warned him of the danger of innovation, and entreated him not to suffer the Gospel to be preached in Rome. "Reverend sire," (said the sacerdotal petitioner), "I beseech you in my old age to reverence our old institutions; these rites drove Hannibal from our walls; disturb not the repose of my declining years by the introduction of any innovation; suffer us to retain the undisturbed possession of a religion, which has flourished for so many years." The reasoning of this high priest was fully as conclusive as that of the christian high churchmen of the present day, who were alarmed at the bare mention of any innovation in church or state, however necessary or advisable it might be. Both the high priest and the high churchman seemed to have forgotten that a blind, doting, obstinate adherence to old establishments, resolutely opposed to all reform, was as weak and dangerous as a wild and irrational desire of change.—Within a short period of time, a remarkable change of public opinion had taken place, both at home and abroad, on the subject of religious as well as civil liberty; and he might now venture to assert, without fear of contradiction, that a very large majority of the members of the established church were decidedly in favour of Catholic emancipation. No petitions had recently been presented against the measure from London, Westminster, Southwark, or any of the populous and commercial districts. The great and well-informed body of the Protestant Dissenters had, highly to their honour, declared, in the most unequivocal terms, their desire of seeing all the penalties to which their Roman Catholic brethren were subjected abolished. If we turned to foreign countries, we should find that in Russia, Prussia, and he believed in Austria, the Protestants had been lately admitted to those civil privileges, from which our Catholic brethren were excluded. In France, he had never heard of a single petition having been presented from the Catholic clergy against the admission of Protestants to any civil situation of honour, trust, or emolument. The established clergy of England were the only body, the great majority of which, in the 19th century, openly avowed their intolerance. Against such a spirit of persecution and intolerance, said the right reverend prelate, I will never cease to raise my voice, "dum spiritus hos regit artus." It was the duty of every individual in a free state unequivocally to declare his sentiments; though he was aware, for he had himself known, by sad experience, how little the discharge of that duty would contribute to the ease of any clergyman of the established church, whose opinions might differ from those of the great body to which he belonged. That he might not incur the imputation of censuring men whose opinions were entitled to much more weight than his own, he would conclude the few observations which he had ventured to make, with a passage from one of the most learned and practically wise men who had ever sat on the bench of bishops—a prelate, who enjoyed the distinguished honour of being the personal friend of that enlightened, liberal, and magnanimous prince, William 3rd. He alluded to bishop Burnet, the great object of whose long and useful life, as well as that of king William, was to unite, in one great social and civil bond, all loyal subjects, on the sole ground of their tried allegiance and fidelity, without reference to their religious opinions. "We have lost many opportunities," said bishop Burnet, "since the Revolution, of healing our breaches; but, let us not suffer the present opportunity to slip from us, on account of the fears which are harboured by a few sour and narrow-minded men, who would close the door on conciliation, and make those breaches perpetual." He would only add, that two petitions had just been put into his hands, one from Norfolk, and another from some of the clergy of the diocess of Norwich, against granting any further concession to the Catholics. It was needless for him to say, that he hoped their lordships would turn a deaf ear to the prayer of these petitions.

The Bishop of *St. David's* said:—My lords, on the subject of the bills now before the House, it is my misfortune to differ so widely from my right reverend brother who spoke last; and I am so far from thinking it illiberal and uncharitable to oppose any further encroachments of the Church of Rome upon the Church of England; or to think and speak of that foreign Church in the language of our own Church Articles and Homilies; that I cannot suppress my reasons for the vote that I shall give this night against admitting Roman Catholics to offices of trust and profit, and to the elective franchise. My lords, the oath and declaration, which it is the object of these bills to repeal, were intended to exclude Roman Catholics from offices of trust and profit, because the principles of their Church were held to be inconsistent with the safety and tranquillity of the state. My lords, those principles are precisely the same now, as they were at the enactment of the oath and declaration; it is the boast of that Church that they are so. Persons, therefore, professing those principles are as inadmissible to offices of trust and profit now, as they were formerly. They are inadmissible to those offices, because they are incapable of the allegiance which is due from subjects to their Sovereign. My lords, they are incapable of that allegiance, because they are bound by a contrary allegiance to a foreign Sovereign.

My lords, the oath which one of these bills proposes, as a security for a Roman Catholic's allegiance, is perfectly nugatory, because it is superseded and nullified by the solemn declaration of true obedience to the Pope, which he has already made, or which is implied in his submission to the Pope's supremacy—that supremacy, which they hold to be superior to the sovereignty of the realm. My lords, "the Romish Clergy," says Blackstone, in his chapter of Treasons, "when they take orders, renounce their allegiance to their temporal sovereign, that being inconsistent with their engagements of canonical obedience to the Pope." By those engagements they are bound to oppose, to execrate, and, as far as in them lies, to extirpate every thing heretical, that is, every thing which is contrary to the religion of the Church of Rome.

My lords, this principle of extirpation is not a dormant and obsolete principle. It is at this moment, in Ireland, in full and active operation. We have been told very lately on the best authority, that the leaders of the sanguinary bands, which infest that country, declare boldly and candidly, that their object is, to drive the heretics out of the country, and to take their property. My lords, the most effectual way to tranquillize Ireland is, not to encourage popery, but to strengthen the hands of Protestantism, and at the same time to afford that protection to converted priests, which was granted to them formerly, which is absolutely necessary to the free exercise of their will; and without which they are in danger of assassination in one country, or of destitution in the other. It is indeed to be hoped, that another session of parliament will not be suffered to pass without reviving that humane and beneficial act, which expired on the 24th of June, 1800, by which a provision was made for the subsistence of destitute clergymen, who had renounced the errors of the Church of Rome, and were conformed to the Church of England.

I object, then, my lords, to the admission of Roman Catholics to offices of trust and profit, because the principles of their Church are contrary to the allegiance which is due from subjects to their sovereign, and inconsistent with the safety and tranquillity of the state. The grant of the elective franchise would be attended with still greater inconsistencies and mischiefs. I need not remind your lordships that parliament is convened by the writ of summons expressly for the defence of the kingdom and of the Church; not of the kingdom only, but of the kingdom and the Church. A representative of a Roman Catholic district, if true to his constituents, must, instead of defending the Church of England, be the advocate of measures most adverse to the king's prerogative, and most hostile to the Protestant religion. The elective franchise has been very injurious to the peace of Ireland, and productive of many ill consequences, especially by the sub-division of property, which it has led to. It could not, indeed, do so much mischief at present in England, on account of the comparative paucity of Roman Catholics here. But the grant of this important privilege would add greatly to their numbers, activity, and influence. And why should we, in defiance of the constitution, and of experience, put the tranquillity of England to such a hazard, and expose it, in any degree, to the degrading and demoralizing consequences which have resulted from this fatal boon in Ireland? For these several reasons, I shall give my vote against both the bills now before the House.

The *Lord Chancellor* said, he could never be induced to give his consent to these concessions, unless he were satisfied that they could be granted consistently with the interests of the public. He had long had the happiness of knowing the right reverend lord opposite (bishop of Norwich), and no man could entertain a higher respect for him than he did; but he could not understand how that right rev. lord could reconcile with his duty, the sentiments which he had uttered that night. He was so far from agreeing with the right rev. lord, that the opposition to the Catholic claims had diminished in this country, that he was satisfied it had greatly increased within a recent period. He would not impute to the parties who had brought in these bills, that they had intentionally introduced them at a period of the session when it was impossible that they could be fully discussed, but certainly, if he had been a friend to those claims, he should have avoided bringing them forward at such a time. Such a proceeding was not consistent with the dignity of the House; and, if it were for that reason alone, he should vote that these bills be read a second time that day three months. If, however, their lordships should think differently, it might be necessary to call their attention to the nature of these bills. They were, in fact, one of the most extraordinary pieces of legislation he had yet seen. If it was meant to absolve Roman Catholics from taking the oath of supremacy, why was not this stated in the preamble of the bill? If it was meant to weaken the prerogatives of the Crown, which he would never consent to do, by liberating Roman Catholics from taking the oath of supremacy, why was this not recited in the preamble? He would never admit that any man could be said to bear a true and faithful allegiance, who denied the supremacy of the Crown. If these bills were brought forward at a proper period of the next session, he had no objection to their discussion; but he could never give his consent to a measure of so much importance, at a period when it was impossible that it could be fully debated. When it was proposed to repeal the 7th and 8th of William III., it was not considered that other acts of parliament must be repealed, before that repeal could take effect. The right rev. prelate had called the Revolution an innovation. It was the first time he had ever heard it so called. The Revolution was not an innovation; but a restoration of the constitution of this country. Unless some distinction were maintained between the established Church, and those who dissented from it, there would be no toleration in this country. If we looked to the state of this country between the Reformation and the Revolution, we should find, that there was a constant squabble between the established Church and the Dissenters. It had been well said by bishop Hoadly, that the Reformation would have been no blessing without the Revolution. It was the Revolution which had established the union between the Church and the State, by giving a supreme head to the Church. With respect to the policy of concession, his mind had been long made up. It was too late for him to alter his opinions; and they could never be affected by any opinions which could be opposed to them. He should vote for the bill being read that day three months; because he could not but feel that the House was treated with indignity, in being called upon, at that period of the session, to pass a measure, which the advocates of Catholic Emancipation had never proposed during the twenty years that the general question had been agitated.

The Earl of *Harrowby* said, that the bill of which his noble and learned friend chose to complain, had been for two or three months before the other house of parliament; and the pressure of business there was the only cause that it had not come earlier before their lordships. He would admit with the learned lord (Redesdale), that the act of the Irish parliament in 1793, in not limiting the grant of the elective franchise to the higher order of the Catholics, had been productive of many of the evils under which Ireland at this day laboured. The effect of the general admission of all the small freeholders to that privilege, had been the great subdivision of land into very small portions, so as to give votes; and that had caused much distress and great immorality amongst the lower classes. He did not, however, object to granting this class of persons the elective franchise as Roman Catholics: but he objected to it, because the great portion of them were paupers, and because it gave political influence without property; which was liable, under such circumstances, to great abuse. But, could the same objection be made to the Catholics in England? Was their condition, with respect to property, or conduct, or general loyalty, such, that they ought to be continued in a situation inferior, not only to all their Christian brethren in this country, but to their own brethren in Ireland? The noble lord then adverted to the observation of the lord chancellor, as to the allegiance of those who refused to take the oath of supremacy, and contended, that the most distinguished loyalty was perfectly consistent with the conscientious refusal of the Catholics to take that oath. The noble lord then proceeded to advert to the singular anomaly in our laws, which admitted a Catholic general or admiral to combat, at the head of armies and fleets, against the enemies of their country, and yet refuse them the privilege of voting as 40s.-freeholders. Let their lordships recollect what had been done in Ireland. In 1792, the Catholics of Ireland petitioned to be admitted to the elective franchise with a higher qualification than was required from Protestants. That petition was rejected by an immense majority—and what followed? Why, in the very next year, whether influenced by lights from above, or by meteors which blazed around, he would not say, but the same parliament granted, not only what the Catholics had asked in the preceding year, but they gave the elective franchise to all Catholic freeholders, with the same qualification, as to amount, as Protestants. We were not now, happily, in the same situation as Ireland then. Whatever was granted would be received as a boon; and, as such, he would intreat their lordships to accede to the present measure.

The Earl of *Liverpool* said, he would give his support to the bill for granting the elective franchise to Roman Catholics in England, but he would object to the bill, respecting the eligibility of English Roman Catholics to certain offices,—at least, to its further progress at present, and in the particular shape in which it was introduced. The noble lord went on to contend, that the present was a question which must be viewed on its own grounds. Without going into the merits of what had been already granted to the Catholics, in Ireland, he would say, that we could not now without an imperious necessity, undo what had been done by the Irish parliament in that respect; he would, however, contend, that there was not that anomaly in the case which was stated; but if there were, that would be of itself no argument in support of the present measures. We had laws and customs in Scotland totally different from those in England; but it did not thence follow, that what was right in one country must be equally right and applicable in another. The question before their lordships, as it affected England, should be viewed without reference to what was or was not the law in other parts of the empire. His noble friend who spoke last had alluded to the refusal of the Irish parliament to accede to the petition of the Catholics in 1792, and to their great concessions in the next year. He (lord L.) looked upon that refusal as most unfortunate; for it led, in the next year, to granting all the concessions, and to giving to a large portion of the Catholics a political influence, out of all proportion great, when compared with their property. With respect to the bills before the house, he had no objection to the first. The Catholics of this country were a highly respectable body, and he freely admitted their uniform loyalty. He had no objection to admit them to the possession of the elective franchise, taking their oath of fidelity, and not requiring the oath of supremacy. As to the second bill, he did not oppose the object in view, but he objected to the manner in which that object was sought. The bill proposed to make the Roman Catholics eligible to all offices with certain exceptions, without taking those oaths which Protestants were required to take. Now he objected to this. He wished the bill to point out the particular offices to which Catholics were to be rendered eligible, and then their lordships would know exactly what it was they were called upon to grant. For this reason, and as there was not now sufficient time to modify the second bill, he would oppose it in its present shape, and would therefore suggest the delay of it until the next session.

Lord *Melville* said, he would support the first bill, taking it for granted that it would not extend to Scotland. With respect to the second bill, he cordially admitted its principle; but if it went into a committee, he would move a clause to prevent its application to Scotland. His object was to prevent what he considered a breach of the articles of Union.

The Marquis of *Lansdown*, in reply, said, he would consent to defer the second bill until next session, in order to give time for its full consideration. As to the first, he had, he confessed, heard nothing in the shape of argument against it. He had, indeed, heard an insinuation that the several millions of his majesty's subjects who conscientiously objected to the oath of supremacy were not constitutionally loyal. To this he would answer, that if he held such an opinion, he would not be deterred by any motive whatever from endeavouring to withdraw all political power from such disloyal hands. But the learned lord on the woolsack, who objected to the loyalty of those who refused to take particular oaths, had on a former occasion, admitted the very principle against which he now contended. In a bill which had passed their lordships' House, and to which the learned lord had made no objection—it was stated, that certain oaths there prescribed were a sufficient test of loyalty, without requiring those which were generally required as such,

The Earl of *Liverpool* wished his objection to the second bill to be distinctly understood. He did not object to its principle, but to its not specifying the particular offices to which the Catholics were to be made eligible.

The House divided: Contents 43. Proxies 30—73. Not-contents 41, Proxies 39—80. Majority against the bill 7.

IRISH TITHES COMPOSITION BILL.] On the order of the day for going into a committee on this bill,

Lord *Clifden* moved, that it be an instruction to the committee, to introduce a clause to empower the Lord Lieutenant to appoint a commission for the purpose of settling the amount of composition for tithes, such amount to be determined with reference to the sums paid for tithes for a specified number of years previously to the valuation being made.

The Earl of *Liverpool*, although he believed that ultimately it would be necessary to add a compulsory clause to the bill, was of opinion, that more advantage would result from trying it as a voluntary measure in the first instance.

Lord *King* said, that without the introduction of a compulsory clause the bill would be nugatory. That the reverend lords opposite well knew. To get rid of the tithes in Ireland was, in his opinion, the best means of affording Ireland relief. The church of Ireland was a principal cause of the unhappy condition of that country. The established religion insulted the people by its ascendancy, and impoverished them by its exactions. It made that country a hell upon earth. It held forth, not the principles of peace but the sword. It did not, as it ought, promote good will among men. Indeed those who lived by it did not venture to assert that it did good. It was a profanation of the name of Christianity. The situation of the Irish people was really deplorable. An Irish farmer might not improperly be compared to a jaded mare, which was compelled to carry two riders, one on the saddle and the other on the crupper. The poor farmer had to bear his own priest and one of the established church also. One spurred him in the shoulders, and the other in the flank. He knew that some people thought that a large church establishment was a good thing, and that there could be no dignity or grace in the performance of religious duties without it. Now, he would appeal to the noble Secretary of State opposite, whether he did not see the service performed in Hatton-garden with as much grace and dignity as ever it had been performed by a bishop. Yet the service in Hatton-garden was not bottomed on tithes. He might also appeal to the noble earl at the head of the Treasury, who, he understood, had also been to Hatton-garden, as to the excellent manner in which the service was performed there. If the minister had been aware that he had for a hearer the protector of mitred heads, he might in the language of his church have advised him not to promote priests with priestly hearts. The noble lord concluded by declaring that the church of Ireland ought to yield some of its privileges with regard to tithes, in order to preserve the rest.

Lord *Ellenborough* thought that the bill would be less exceptionable if the compulsory clause were introduced, than it was in its present form; but still he would not vote for it, because the measure was not what the people of Ireland required. They wanted a bill for the commutation of tithes, and not one for the composition.

Lord *Holland* felt himself called upon to state the grounds upon which he intended to vote for, or rather the reasons which would induce him not to vote against, the motion for going into a committee. The learned lord on the woolsack, in the course of a former debate which had taken place that night, had endeavoured to weaken the effect of the speech which had been delivered by the rev. prelate opposite (the bishop of Norwich), a speech fraught with more Christian charity and real wisdom and learning than any which he had ever heard in that House, by relating an anecdote of bishop Hoadly, with whom, perhaps, the rev. prelate opposite was the only bishop that could for one moment be compared. The learned lord had, however, incorrectly quoted the words of bishop Hoadly, when he said that that eminent prelate had declared, that the Reformation was no blessing without the Revolution. The declaration of bishop Hoadley was, that the Restoration was no blessing without the Revolution. So he (Lord H.) thought, that the bill before the House would be no blessing without the compulsory clause was introduced into it. He considered the bill as a recognition of the intention of the House to redress that which Mr. Pitt had twenty years ago declared to be an evil. The bill was the only miserable pittance which, during twenty-three years, the wisdom and justice of parliament had condescended to give to the people of Ireland. On that account, he would vote for going into a committee, without pledging himself to assent to the third reading, unless the measure received considerable improvement in the committee. But he wished it to be understood, that he would not vote for the committee on the grounds which the noble earl opposite had on a former night urged, to obtain the support of the rev. prelates to the bill. The conduct of the noble lords on his (lord H's.) side of the House was more ingenuous than that of the noble earl; for they plainly stated, that they wished to compel the Church to consent to a commutation of tithes, on the broad principle that necessity and the *salus populi* required it. The noble lord then proceeded to take a brief review of the various clauses of the bill, with the imperfect nature of some of which he expressed himself extremely dissatisfied. He had thought that this progeny of so many Jupiters, and which had been so long in begetting, would have come into the House in its full vigour, like a young Hercules, to crush at one blow the Hydra which it was fated to destroy. But, how abortive did it appear! what a *sine viribus infans!* how puny a bantling! It could not even be aided by the soft and smooth speeches of the noble earl. The relief to Ireland, if afforded at all, must be afforded speedily. It was not only the wish of every man who had a regard for the interests of the country, but it was the duty of that House, commissioned as it was to watch over the welfare of the people, to adopt such measures without delay; and he called upon their lordships to do so, if they would save the empire, and gratify the people. At an earlier period of the evening, they had heard from the learned lord on the woolsack the expression of the public opinion with respect to Catholic Emancipation. That learned lord had told the House, that that question was now more generally disapproved of than it had been for many years. Now, he (lord H.) thought, that the parliament was the representative of the public opinion. The House of Commons, although it had some years ago rejected that question, had recently passed bills recognizing it. But the lord chancellor had thought fit to say that the people of England now repudiated the Catholic question. Did the votes of the House of Commons or the lord chancellor, speak the sense of the people? The concession, of which so much was said, would be made to one-fourth of the people; and let it be remembered, when the Catholics were charged with a want of loyalty, that no man could stand up in either House of Parliament and say, "I am a Catholic, and I have as much loyalty as any man." He then quoted the opinion of Mr. Pitt, who (though he was no great authority) had said, that the power of the country could never be consolidated, until the Catholic question should be passed, and reproached the persons who availed themselves of the weight of that statesman's name, if weight it had, with not practising his precepts. He then reverted to the motion before the House. If adopted, he believed it would materially improve the bill. If the compulsory measure were introduced, the seed would at least be sown, and he should have some hope that the harvest would be reaped at some period, however distant.

The Earl of *Liverpool* had no hesitation in saying, that a compulsory measure was necessary; but it was also necessary first to know what was exactly meant by compulsion. To fair and equitable compulsion he had no objection. It had formed a part of the former bill, and had only been struck out, because differences of opinion arose with respect to the sort of compulsion. He contended for the equity and legality of the principle of treating with tithes by act of parliament. The right of ownership in the land was a right subject to the charge of the tithes, and the tithes could not belong to the owner of the land under any circumstances. He was not prepared to advocate every law which stood upon the Statute-books, and among those which he admitted to be unjust he should not hesitate to reckon that of agistment passed by the Irish parliament. He defended from the attack of the noble baron the clergy of Ireland; than whom, he believed, a more respectable body did not exist in any country; and as to their conduct with respect to tithes, he believed no persons behaved more liberally. He did not mean to say that the measure before the House was a perfect one; but it was only by the operation of this bill that the real difficulties of the case could be understood. For these reasons, he felt obliged to oppose the motion.

The House then divided: For the motion 11. Against it 34. The bill then went through the committee.

HOUSE OF COMMONS.

Wednesday, July 9.

Penitentiary at Millbank.] Mr. Secretary *Peel* said, that in consequence of the sickness which prevailed in the Penitentiary, it would be desirable to confer upon the governors of the institution the power of a temporary removal of the sick prisoners to places where their recovery was likely to be facilitated. He hoped that, under the circumstances, the House, even at that late period of the session, would not object to allow him to bring in a bill for conferring a power of removal similar to that which was possessed with respect to persons confined in the Hulks. He then moved for leave to bring in a bill, to authorize the temporary removal of convicts from the General Penitentiary.

Mr. *M. A. Taylor* expressed his approbation of the motion, as in all cases of illness, change of air was advised. He denied that there was any ground for the prejudice, that the Penitentiary was unwholesome on account of its vicinity to the river, for it was an historical fact, that in times when the plague prevailed, those persons who lived near the river escaped the infection.

Mr. *Holford* agreed that the situation was by no means unhealthy, and that the sickness was not connected with the local circumstances of the prison.

Mr. *Peel* added, that there was no ground for supposing that the disease lately prevailing in the Penitentiary was owing to its local situation.—Leave given.

Beer Bill.] Mr. *Brougham* rose for the purpose of moving, that the order for the committal of the Retail Beer Bill be discharged indefinitely. He observed particularly upon the strong opposition which this bill had met with from the brewers whom it was intended to aid, and from the landed interest, whose distresses it would most importantly alleviate. Because, however, wheat had risen, he had been abandoned by the latter, and left to struggle against all the influence of the former. He hoped that both parties would know their interests better next session. He should always be at their service, and should be ready to moot the subject again, whenever they should support him; but unaided, he should not be disposed to make any exertion on behalf of parties who seemed so blind and indifferent. His measure for Educating the Poor had met with precisely the same fate. The bills were drawn, printed, and even the blanks filled up, and might be introduced again at any time. He had spent days and nights in perfecting the measure; and because it was beneficial generally, but offered no increase of emolument to any one party in particular, he had been compelled to abandon it.

Mr. *Western* said, that if the hon. gentleman had persisted, he should have given the bill his support. He complained that, in the taxes repealed this session, there had been an entire forgetfulness of the peculiar distresses of the landed interest. It had been his intention to have moved for a considerable reduction of the malt-duty, but he had been prevented by circumstances; and he now gave notice, that early next year, he would submit a motion for reducing the malt tax to the amount imposed prior to the last war.

Mr. Alderman *Wood* said, that he was assured his hon. and learned friend had not read the returns made to the House, of the number of public houses in England. The number in London was 4,142; in the country, 43,919; making together 48,061.

Out of which number 20,612 brewed their own beer. How, therefore, could his hon. and learned friend charge this as a monopoly? The quantity brewed by the brewers was 2,192,371 barrels; by the victuallers, 2,152,644; being nearly the same quantity as brewed by the common brewer. It should be observed, that all the houses in one county did not draw on an average more than 100 barrels a week; and supposing one-third of this to be retailed out of doors: this would be about 33 barrels. He would suppose one person only to become a retailer under this new bill, and that the publican retained one-half of his trade, he would only sell 16 barrels in a year; his licence would be 4*l* 8*s*.; this would add rather more than 5*s*. per barrel, or one halfpenny per quart of beer. He therefore asked, how his learned friend would secure the public by his new bill? He would ask, whether the beer would be equal in quality to that drawn by the publican, who had cellars and every convenience, together with a quick draught? The retailer would have such considerable expenses in the management of his trade, that it would leave him no profit. He would suppose, that in each public-house there were six in family, making 288,000 persons, and, without entering into any calculation of the number of brewers that would be injured, he might venture to say, that their families would be nearly ruined; for at least 24 millions of property was invested in that trade, and if the breweries were included, at least 40 millions. The government would lose at least 100,000*l*. a year in the stamp duty on transfer. And was it nothing that these publicans maintained soldiers, paid several licences, and very heavy taxes? The magistrates had control over their houses. They would have none over the retailer. He might send beer to the next door, where persons might assemble without control. The publican had to accommodate every traveller, and keep his house open at a great expense. They were generally a very active, industrious class of men, and very few of them saved money. With regard to the statement of his hon. friend, that it would assist the farmers in obtaining a higher price for barley, this he denied. It was the capital of the brewers that assisted the farmers. They had only to show a good sample of barley, and they were sure to sell, and very frequently got their money before the barley was delivered. They never would have received from 70*s*. to 80*s*. a quarter, had there not been a considerable capital employed. That capital enabled the brewer to force a trade, and by that means to keep down the price, which caused a larger consumption of barley. If the government would take off the duty on beer, it would be reduced to 3*d*. per quart. This was the only fair and equitable mode of legislating, that the poor or labouring man should not pay more for his beer than the rich. If this plan were adopted, the public would require no other.

The order for the commitment of the bill was then discharged.

Jurors Qualification Bill.] On the order of the day for further considering the report of the committee on this bill,

Mr. *Western* moved, that the said order be discharged. The bill, in principle at least, had met with universal approbation; but he was induced not to proceed further with it, in the present session, at the suggestion of the right hon. Secretary for the Home Department. Indeed, the bill, if passed, could not be carried into execution this year without much inconvenience; as the precepts to return jurors issue from the July sessions, which would commence before the act could pass. After some general observations on the subject of the administration of justice in the country, the hon. member asked, whether ministers had taken into their consideration the practicability of accomplishing a more frequent and extensive delivery of gaols by additional assizes?

Mr. *Peel* said, that he had requested the hon. member to postpone the bill, not because he felt a decided objection to its principle, but because so important a measure required more deliberate consideration. He agreed with the hon. member, that a more frequent deliverance of gaols was, as a principle, a good one, but there were difficulties in the way of the details of such a measure, which he had not been able to overcome. He thought there might be an addition to the number of judges, as he saw no charm in the number of judges, unless its antiquity. He believed sixteen would be a more efficient number than twelve. He allowed that great advantage had been derived to the public from the appointment of a third assize upon the Home circuit, but he doubted whether an additional assize could be carried into effect on the other circuits, at least while the number of the Judges remained the same.

Mr. *M. A. Taylor* did not approve of a third assize, and felt sure that it would be very objectionable to those who formed the juries in the several circuits. Two assizes were quite sufficient. If the labours of the Bench were more than could be reasonably expected from the judges, they ought to appoint others to relieve them, upon those circuits where the extraordinary business might require it. There was one officer who might be immediately put upon that duty. He meant the Cursitor Baron of the Exchequer. It was true that the worthy gentleman who held that office was advanced in years; but it would be well to take care, when his successor should be appointed, to select a person who might furnish the required assistance.

Mr. *Scarlett* said, that when government directed a second assize to be held through the northern circuit, they ought to have taken care to provide the additional expenses to which they had subjected the judges.

Mr. *M. A. Taylor* said, he could take none of that blame upon himself, for he had done all that was in his power for the accommodation of the judges. He had not only done so in his own county, but at the request of lord Sidmouth, he had waited on the bishop of Durham, and asked his lordship if he would have any objection to take in the judges at the Castle in the winter, the same as he had done hitherto on the spring assizes. That right reverend person told him in plain terms, that he would not take them in, and requested him to entreat the lord chancellor to select younger judges for the circuit, alleging the great inconvenience as to the attendance and means of accommodation from the visits of the old judges. He had talked over the subject of these additional expenses with Mr. Justice Park, and had strongly advised an application from the judges themselves upon the subject. Mr. Justice Park had said, that he would have nothing to do with it. The rest of his learned brethren were at liberty to apply if they pleased, but, as he possessed property enough for an independence without it, he would continue to bear his own expenses.

Mr. *Peel* said, that the only objection he had to make to the statement of the hon. member was, that the accounts of extraordinary expenses of the judges going circuit upon the new assizes had been sent in, and regularly paid by the government.

Mr. *Brougham*, in corroboration of the statement of his hon. friend near him, said that the very reverend prelate in question had been quite as good as his word. The judges were allowed to come, but it was at their peril. His reverend lordship would have nothing to do with the expense of their entertainment. He took them into the castle but that was all. He thought the least that could be done was to relieve the judges from any additional expense which might be imposed upon them, in consequence of their labours being thus increased.

FOREIGN POLICY OF THE COUNTRY.] Colonel *Palmer*, on rising to make his promised motion, began with stating, that the motive which had urged him to address the House, was a conviction of the danger of the country, arising out of the conduct of the government with respect to Spain, and the language of the late address to his majesty upon the subject. He might naturally be asked, considering the protracted debate upon that question, the reason of his not having stated his opinion at the time; and confessed that his reluctance to obtrude himself upon the attention of the House, joined to the expectation that the same opinion would have been felt and expressed by others more worthy their attention, had prevented him in the early stage of that discussion, but that he had repeatedly endeavoured to address the House upon the last night of the debate. Having then failed in such endeavour, and the question being equally, if not more important to the country at the present moment, he would take the liberty of stating the different view which he had taken of it, from that of every hon. member who had hitherto spoken upon the subject. It appeared to him, that truth and sincerity were as necessary to the honour and interests of a nation as of an individual; and upon this ground he contended, that the late address should have openly expressed the indignation of the House at the conduct of France and the allied powers; because, by not expressing it, the nation was exposed to the charge of not feeling, or not daring to avow it. He also contended, that the address should as openly have stated, that inability of the country to render Spain assistance was the only reason and excuse for withholding it, instead of motives unworthy of her character, and injurious to her interests; inasmuch as she had thereby deprived herself of all claim to that gratitude and attachment on the part of Spain which a more generous conduct would have inspired, and whose independence, at all times essential to England, was at the present moment of vital importance to her interests, whilst, on the other hand, she had totally failed in that object which the cold and timid policy of the address was intended to answer; for, at the same moment, whilst as a nation the House had declined that expression of its feelings, which honour, truth, and justice called for; yet, as individuals upon all sides, they had spoken in terms much more calculated to provoke the consequences which the language of the address had deprecated, than the dignified censure which it ought to have contained; and lastly, whilst, to conceal the real motives of neutrality, they had avowed principles repugnant to every generous feeling, and only calculated to confirm that unjust impression of England, which the crooked policy of her government had long stamped in the minds of Europe; it stood but too plain upon the face of the whole transaction, that the conviction of her weakness alone, and the utter contempt of her means of resenting it, had encouraged France and the Allies to dare to act as they had done. He must admit, that from this feeling of necessity alone, it was almost the unanimous opinion of the House and country that peace should be maintained. But, did they not equally feel the danger, nay, the certainty of eventual war: and not as England ought to conduct it, by her navy alone, but wherein, as ministers had declared, she would have to bear the whole burthen, and incur again the same enormous, wasteful, and unnecessary expenditure as in the former instance? Looking, then, to the present state of the country—to the distresses of the landed and other interests—he could not but deplore the infatuation of the landholders, in supposing that a rise in prices, or any thing but a reduction of taxation, could possibly relieve them. He was fully sensible of the importance of their interests, and that, as the heart was to the body, so was the agriculture to the country, its vital principle, and the source from whence all its prosperity flowed; but as the heart was equally dependent upon the body, so was agriculture dependent upon the other interests of the country, and could not be supported at their expense. He remembered the appeal of the chancellor of the Exchequer to the country gentlemen in the last session, who told them they must not despair, because they could not have every thing always as they wished, but take their turn of good and evil with the other interests of the nation; that, at the time manufactures were at their lowest ebb, agriculture was in the full tide of prosperity;—and now, since agriculture had sunk, manufactures had risen; as if, like the buckets of a well, they must let one down to bring the other up. The comparison, however, was unfortunately too just, for agriculture could not possibly be raised by high prices, without sinking the manufactures; and, unless both could be supported, he feared both would soon sink together. Looking, then, to these distresses, to the opinions and feelings of the people upon the subject, to the unanswered and unanswerable arguments of the numerous petitions for reform, carried by acclamation in the counties which had presented them; and, lastly, to the enormous and undiminished burthen of the public debt, now in the eighth year of peace—what would be the situation of the country when called upon to renew the contest, and to enter again into the ruinous expenditure which ministers had warned them to expect? And yet, to this appalling but true picture of its distress, their only answer was, that being true, it was the best argument for peace; "for if (said the Secretary for Foreign Affairs) "such is the situation of the country, and yet it must have war soon or late, in God's name let it be late. And thus the ministers, already duped and insulted, stayed to be kicked into it, whilst, in their address, they talked of defending the honour of the Crown, and the rights and interests of the people.—But the House had been told, as another argument for peace, that the interference of England would injure Spain, by making the war popular in France; and it was to this their strongest and hitherto unanswered argument, he begged the attention of the House because, upon it hung the whole question of the true policy of England at the present crisis, and which every consideration for her honour, security, and best interests should lead her to adopt. For how came it, that the French nation, so indignant at the conduct of its government, that ministers in their late speeches had anticipated the most fatal consequences from what they had termed this act of madness in the Bourbons, should, notwithstanding, turn round, and join their government against Spain, if England interfered in her behalf? What, he would ask, was the reason of this apparent inconsistency, but simply because such interference would be the act of a government, composed of nearly the same individuals, professing the same principles, and treading the same steps as that government which made war against the liberties of France at the commencement of her revolution, and continued to be her constant and inveterate enemy from that moment until the re-establishment of the Bourbon dynasty? But if, instead of such government, a government fairly representing the people of England, would declare war to-morrow, not against, but for the liberties of France, which, with her own, were now endangered by the base attack of one, or (upon the principle that those who permitted an injury were parties to the act) both their governments upon the liberties of Spain; such declaration would in an instant rescue England from the humiliation, disgrace, and danger she stood in, and restore her to that proud footing amongst the nations of Europe, which she once held as the defender of their liberties. For England, by thus defending the liberties of France, conjointly with her own, would at once win the hearts of that nation, which, with herself, were unquestionably the greatest, most powerful, and enlightened nations of Europe; and betwixt whom the real honour and interests of each would best be consulted by their mutual friendship; although the policy of their governments had hitherto prevented it, by exciting and keeping alive those jealousies and antipathies which, however natural and instinctive in the brute creation, were most unnatural, absurd, and barbarous betwixt christian states; and above all, these nations, who seemed by nature formed to cherish and protect each other—the one, invincible upon that element to which she owed all her real greatness, whilst the other was equally powerful on her side; and both of whom, combined, might defend not only themselves, but the whole world against the tyrants who oppressed it. It was an old saying, "when rogues fell out, honest men came by their due;" and thus, out of the disputes betwixt their governments, it was to be hoped the people would at last obtain their rights. As to the governments, although bad was the best, the conduct of the French ministers was infinitely more excusable than our own; for it was but just to consider the difficulties of their situation, in having to support a crown, not only forced upon the nation, but which, from other unfortunate causes, required a more than constitutional force to protect; and this situation, too, not of their own seeking, but to which they had been forced by others, and above all, the ministers of England. For had the powers assembled at the congress, with England at their head, acted upon opposite principles to those adopted, and which had brought Europe to its present state, he firmly believed that France at this moment would be enjoying the full benefit of her charter, under the mild sway of the present sovereign. But it was too late to regret the past, and they had only to consider the best to be done at present. He would then ask, if any thing could be so advantageous to themselves and the rest of Europe, as that France and England should join hand in hand to protect the liberties of Spain? and if that was admitted, he would ask again, what should prevent it?—for in ordinary cases, wherein two parties influenced by the same motives, and looking to the same object, were prevented from acting in concert, by any misunderstanding, it was only to remove such misunderstanding and bring them together; and was there ever so glorious an opportunity of bringing France and England together as the present? when England by this bold, decisive, and generous step, would at once root out from the bosom of France every seed of that hatred and jealousy which she had so long borne against this country, as the cause of all the disaster, defeat, and humiliation she had suffered, and above all, that indignity, which France never could forgive until England had acknowledged her error, and expressed her regret for the part she had taken in the transaction, not by the speeches of individuals in that House, but by her conduct as a nation—the restoration of the Bourbons. In saying this, he disclaimed all hostility to that unhappy family; and in justice to them, must defend a conduct which necessity alone had dictated; for the ultra faction in France, the Holy Alliance, and above all, the ministers of England, had compelled them to the steps they had taken. A noble lord, in his excellent speech on a former night, had said, that from a late residence in France, he had the best reasons for believing, that if England had said "No," France would not have dared to attack Spain; but the noble lord might have gone further, and told the House, that if England had acted as became her, and declared in favour of Spain, the head of the French government, who was universally known to be a liberal in his principles, and had no object so dear to his heart, as the liberties and happiness of his people would at once have thrown himself and people into the arms of England, and have called those ministers to his councils, who, in conjunction with England, might have set the despots of Europe at defiance. The folly and madness, not of the Bourbons, but of the English ministers, had prevented this; whilst the steps they had taken to avoid war, were the most likely to lead to it; for their only hope was, that France, by ruining herself in Spain, might be unable to annoy this country; but even if it should be so, could any thing be more detestable than the policy of looking to the security of England in the misery of France? His own feelings were quite the reverse; for, instead of reducing France, now in so flourishing a state, to the wretched condition of England, he would raise England to a level with France, and all the world if possible to the level of both. This was the true policy which humanity and the best interests of England dictated, and this was the moment for the Crown to exercise that prerogative which the constitution had given it, for the protection of itself and the people, to save both from the destruction which threatened them. For it was not in the wretched papers they had discussed, but in the speeches of the French ministers, and the corrupt majorities which had supported them, that the real danger of England was to be seen. For no one could look to their intentions openly avowed, the progress made in their execution, the pledges of the allied powers to support France, and their insolent threats against Spain on one side, and on the other, to the noble defiance which Spain had hurled at her invaders, as well as the glorious struggle which liberty was making against despotism in other quarters, without seeing, that the present contest admitted of no compromise, but that one or other party must inevitably perish. It was therefore to save those from becoming victims who were only the instruments of these base plots against the liberties of mankind; the acts not of themselves, but of the weak or wicked ministers who surrounded them; and to protect crowns as well as people, he appealed to the members of that House, the representatives of the only nation which, through the blessings of her constitution, was capable of the effort, to declare, in its collective wisdom, those sentiments which, as individuals, had lately done them so much honour; and as a nation, to raise that mighty voice in freedom's cause, which might at once decide the contest, and spare those sacrifices by which that cause must otherwise be obtained; for that it must ultimately triumph, no man of common sense, whose judgment was not blinded by his prejudice, could entertain a doubt. It was, therefore, not only for themselves, but for those much dearer, and upon whom the consequences of the present destructive system must inevitably fall; for their sakes, and in the name of that humanity which in a recent case, involved in dangers, doubts and difficulties on all sides, would in its zeal have borne down every obstacle, destroying even those it meant to save, but for the interference of the government, and that eloquence which, when exerted in the cause of reason, justice, and of truth, carried conviction with it; he implored them in this instance, to turn their eyes at home, and befriend the cause of suffering humanity in Europe, in a case which involved no danger, doubt, nor difficulty, but wherein those who opposed it in the name of religion, morality, and social order, had only to follow that plain precept, the essence of them all—simply to do by others as by themselves; and by this precept he called upon that House, the representatives of the nation (or at least, who ought to represent it), to do by the people as by themselves; and to defend, in their own honour and interests, the honour and interests of their country. Nor was it the interests and liberties of England only, but of all other nations, and with which the ministers had at last discovered her own to be identified; this great and glorious cause, the cause of liberty throughout the world, was in the hands of England, and if her representatives would but defend it, the victory was certain.—The hon. member could say much more, and state how and by whom such victory was to be obtained; for as to the present ministers, whatever their real feelings might be (and he confessed he was unable to understand them, if they understood themselves), as the advocates and sworn defenders of that system which had brought the country to its present state, and which, in spite of all its sufferings, they still gloried in, and still at their public meetings pledged themselves to defend to their latest breath; in justice to their own consistency, and the feelings of the people, come what might, by their own system they were bound to stand or fall. Nor was it a mere change of ministers that could save the country, but a change of ministers combined with a change of measures, which might enable them to apply the resources of the country, and the energies of the people to the relief of their own burthens, without injury to the constitution or injustice to the public creditor for whilst he agreed entirely with his noble friend, who had stated it was the debt, the cursed debt, which weighed them down, as long as the country had the means of paying it, he considered the property of the public creditor to be equally sacred with that of every other description. But who, he would ask, in the present state of things, were the real friends of the public creditor? Those who would adopt every possible retrenchment which the safety of the constitution and real interests of the country would admit of, or the ministers whose measures must inevitably lead to those consequences which, looking to the French revolution arising out of the same causes, nothing but a change of system could possibly prevent. As to retrenchment, and all which the ministers had been driven to, session after session, by the exertions of their opponents, particularly the hon. member for Aberdeen, whose character and services no one could estimate more highly than himself, the only real advantage the public had derived from them, had been to open their eyes to the impossibility of any real retrenchment under the present system; for all the savings gained by it were more than counterbalanced by exposures, which only increased the resentment of the people, the difficulties of the ministers, and the necessity of all their power, patronage, and means of corruption, to support their measures. The hon. member concluded with stating that having availed himself of the opportunity to express his feelings on this important subject, he had no wish to take the sense of the House upon the motion with which he should conclude which was "That an humble Address be presented to his majesty, that he will be graciously pleased to give directions that there be laid before this House, copy of any instructions given to sir William A'Court, for the regulation of his conduct in case of changes made by the Cortes in the internal government of Spain, or such extracts from them as may be laid before parliament without detriment to the public service."

The motion, which was seconded by Mr. Hume, was negatived without a division.

CONDUCT OF CHIEF BARON O'GRADY.] On the order of the day, for resuming the adjourned debate on Mr. Scarlett's motion, "That it is stated in the Fifth Report of the Commissioners, that it is not their province to discuss 'how far, or within what limits, the judges of the superior courts of law are authorised to establish new or increased fees for their own services;' 'but that it will be seen, from the table subjoined (to their report), that a discretion of this nature has, in fact, been exercised to a considerable extent at some period or periods within the last one hundred years; and that, during the time of the present chief justice of the Common Pleas, such an exercise of judicial authority appears to have occurred in three instances,'"

Mr. *Goulburn* moved, as an amendment, that all the words after the word "years," be left out. Some discussion took place between Mr. Rice and Mr. Scarlett; after which the question was put, and the amendment carried. On the question, as amended, being put from the chair,

Mr. *S. Rice* said, that certainly the mode proposed by his learned friend (Mr. Scarlett) was the most convenient and expeditious way of getting rid of the question altogether; and he would leave it to those who advised such a course, and who were willing that judges should exercise the power which was censured by the commissioners in their report, to take the whole responsibility of the proceeding on themselves. He should move, as an amendment to the resolution of his learned friend, to add thereto the following words; "but that it is not stated in the aforesaid fifth report, that such increases of fees had taken place at the sole discretion of a judicial officer for his own emolument."

Mr. *Scarlett* opposed the amendment, on the ground that it went to add a sting to the resolution, which the circumstances of the case did not justify.

The *Solicitor General* argued, that the amendment was not in unison with the facts stated in the report.

Mr. *R. Smith* said, he could neither approve of the original motion nor the amendment. The former contained a fallacious apology for the chief baron; the latter implied a censure. Both the one and the other was a departure from the express understanding of the House, which was, that no opinion should be expressed on the case at present. He felt himself incompetent to decide on the question, either one way or the other. He could not, on looking at the report, and at the chief baron's defence, declare him to be innocent; but it was impossible for him to pronounce an opinion on the subject, on almost the last day of the session, and without sufficient information. The case ought to rest until the ensuing session.

Captain *O'Grady* defended the conduct of the chief baron, who, he contended, had made out a good case, both with reference to law and usage. He might, undoubtedly, have been mistaken in his view of the subject; but it did not therefore follow, that he was culpable and corrupt. He (captain O'G.) was most anxious that the decision of the House should be come to in the present session.

Mr. Secretary *Peel* could see no benefit that was likely to accrue from postponing the question to another session. If it were put off for six months, would they, in 1824—when their recollection of the facts would be weakened, and when they would not be able to command a more numerous attendance of members than at present—be in a better situation for deciding than they were at present? If this practice of regulating fees were an improper one, it would be better to bring in a bill for its abolition, than harass and condemn an individual, by keeping a series of criminatory resolutions suspended over his head.

Sir *H. Parnell* said, that as it was distinctly understood that the investigation was to be renewed next session, he had taken no part in it. For the same reason, he could not support the present resolution. He should oppose any thing that looked like a decision on the charges; and would refrain from offering an opinion on them.

Lord *A. Hamilton* understood, that no resolution but of facts was to be placed on their Journals; and that circumstance had kept many members away, who would otherwise have been present. It was, he admitted, most irksome, that a judge should have charges hanging over him, while he was exercising his judicial functions. But, whose fault was that? The fault of the gentlemen opposite. The delay came entirely from the other side of the House. He would ask those gentlemen who wished to set the question at rest now, whether a decision, adopted at such a period of the session, and in such a House, could carry any weight with it?

Mr. *Hutchinson* said, he had all along declared that he was ready to go on with this inquiry, provided the House would come to the plain proposition of acquittal or condemnation. His hon. friend (Mr. S. Rice) had, however, pursued a course which appeared to him to be most unfair to the Irish public and to the chief baron. He had importuned the House, until he had caused to be entered on the Journals a series of what he called resolutions of fact, but which contained matter of crimination. He was of opinion, that the question should be put an end to now; because he did not believe his hon. friend had any intention of bringing it forward next session. If he meant to institute any ulterior proceeding, let him erase those resolutions, which did not advance his purpose one jot. He believed the chief baron to be innocent. If the question were to be considered, it would be found full of difficulty; and in the end he was sure they would have to acquit the chief baron altogether. At all events, if they discovered an error of judgment in his conduct, he was convinced they would acquit him of corrupt motives. He could not, therefore, consent that those resolutions, which were of a criminatory character, should be suffered to hang over the head of the chief baron.

Mr. *Wynn* thought it would be better to pass the two resolutions now before them in the first place; and afterwards to proceed to the third.

Mr. S. Rice having withdrawn his amendment, the resolution was agreed to.

Mr. *Scarlett* then observed, that, after a mature consideration of the subject, he had prepared certain resolutions which he had intended to move by way of amendment on the original resolutions. After what had passed, however, he would content himself with moving one of them, only; namely, "That this House, under all the circumstances above stated, does not deem it necessary to adopt any further proceeding in the case of the chief baron O'Grady."

Mr. *Wynn* felt himself compelled to oppose this resolution. The question here was, whether a person who had taken improper and unwarrantable fees, assuming that that could be proved, ought to be continued in the high situation which he occupied in the judicial administration of the country? Now, when such a question was to be decided, it was surely imperative on the House to institute a strict inquiry. The integrity of a judge, like the chastity of a woman, or the courage of a soldier, was a matter of that delicate nature, that it ought to be above all suspicion; and this being the case, it made no difference to the importance or the necessity of the inquiry, whether the excess in the fees charged by the chief baron was confined to so many pence or so many pounds. The right hon. gentleman then adverted to the reports of the commissioners of inquiry, and animadverted on the conduct therein imputed to the chief baron; to which charges that judge had not hitherto offered such a defence as ought to preclude the House from adopting some ulterior proceeding.

Mr. Alderman *Bridges* was decidedly for immediate investigation. He thought further delay in every respect inexpedient and improper.

Captain *O'Grady* said, the fact was, that the chief baron's defence, as contained in his second letter, was founded on matters contained in a report which had not been published when his first letter was written. It would be a little too hard if the House should concur with the learned member for Peterborough in making it matter of imputation against the chief baron, that he had, in the hurry of his first letter, misnamed a document, by terming that a decree which was in fact an exemplification. It was not, therefore, a new defence which was contained in his second letter; but a defence on new matters, as alleged in the report made subsequently to his former letter.

Mr. *Hume* expressed his unwillingness, after the letters of the chief baron, to support the original resolutions; which he had at first felt himself inclined to advocate.

Mr. *Wetherell* was of opinion, that the House should come to some conclusion this session on the subject before them; and, looking to the painful situation in which further delay must leave the character of the chief baron, and seeing no case made out, he would support the resolution proposed by his hon. friend.

Mr. *R. Martin* defended the chief baron, and expressed his intention of supporting the resolution.

Mr. *Hudson Gurney*, in order to ground the resolution proposed by the learned member for Peterborough, moved to omit all the resolution after the word "That," in order to add the words, "the receipt of Fees by Judges in the Courts of Common Law and the Exchequer has been recently abolished by Law."

This amendment was immediately agreed to. After which, Mr. Scarlett's resolution, "That this House, under all the circumstances above stated, does not deem it necessary to adopt any further proceedings in the case of the chief baron O'Grady," being put,

Mr. *J. Williams* said, he could by no means support the resolution of his hon. and learned friend.

Mr. *Goulburn* contended, that no case of criminality or corruption had been made out against the chief baron, though his conduct might not have been quite so well advised as could have been wished.

Mr. *Canning*, after briefly reviewing the proceedings which had been taken upon the reports in the House, admitted that he found it difficult to remove his own responsibility, in having been chiefly instrumental to persuading the hon. member for Limerick to adopt resolutions of fact merely, and not to embody any thing in them which was only matter of opinion. He knew nothing of the chief baron. Nothing had ever occurred to induce him to turn his thoughts towards that personage. But his impression of the importance of the charge and the nature of the proof, had been weakened at every step of their progress. He could not concur in any vote tending to censure; nor could the House, he thought, assent to any resolution which could be made the ground of an address to the Crown for his removal, or of an accusation by way of impeachment.

Mr. *Hutchinson* concurred in the opinion of the right hon. secretary, that the chief baron could not be inculpated by any thing which had come under the observation of the committee.

Mr. *S. Rice* felt satisfied that, however the House might decide, the labours of the committee would not be lost to the public.

The House divided: For Mr. Scarlett's resolution 38. Against it 16. Majority 22.

List of the Minority.

Brougham, H.
Baillie, col.
Barry, rt. hon. J. M.
Canning, rt. hon. G.
Forbes, C.
Gordon, R.
Griffiths, J.
Lamb, hon. G.
Money, W. T.
Morland, sir S. B.
Palmer, C. F.
Parnell, sir H.
Taylor, M. A.
Wynn, C. W.
Wigram, W.
Williams, J.

TELLERS.

Smith (Lincoln) R.
Rice, T. S.

HOUSE OF COMMONS.

Thursday, July 10.

DELAYS IN THE COURT OF CHANCERY.] Mr. *Leake* said, that all attempts made in this House with a view to remedy the delays too well known to exist in the practice of the court of Chancery, having hitherto, from various causes which it was not necessary for him at present to state, proved wholly unsuccessful, and the evil so generally, and in his opinion so justly, complained of, having, within the last four or five years, increased in a most alarming degree, and to an extent amounting in its effects, and consequences, almost to a denial of justice to the suitors of the court, he rose for the purpose of giving notice, that it was his intention, as early as possible in the next session, to submit to the consideration of the House two bills; the one for the furtherance of justice in the court of Chancery; for preventing persons disqualified, or not duly qualified, from being appointed officers, clerks, or ministers of the said court; for the better regulation of the several offices most immediately connected with the practice of the said court, particularly the Master's offices, the Register's-office and the Examiner's-office; and for appointing a commission to settle and ascertain the fees to be received at such offices, for the future, for the purpose of creating a fund to defray so much of the salaries to be paid to the officers, clerks, and ministers of the court, in lieu of the fees and emoluments now received by them respectively, as have not already been provided for by the Crown, under the authority of parliament or otherwise; the other bill for the better and more speedy administration of the several laws relating to bankrupts; and for preventing persons for the future being appointed commissioners of bankrupt who are disqualified, or who are not duly qualified to act as such.

SCOTTISH LAW COMMISSION BILL.] On the order of the day for the third reading of this bill,

Mr. *Brougham* rose to make a few observations on the nature of the bill, and other matters connected with its consideration. He stated, that the object of the bill was to facilitate inquiry relative to the forms of process and proceedings in appeals in Scotland, by means of commissioners. This he looked upon as a much fitter mode than the old practice; as it would obviate much of the trouble and expence incurred by sending for judges and practitioners, to ascertain points of form which evidence taken before commissioners would now furnish. He took occasion to urge the necessity of selecting able and intelligent persons for the performance of such a duty; as they would have a task of no ordinary difficulty to discharge. They would have to come in contact with persons of a very acute and penetrating habit, much addicted to dispute, and not at all disinclined to start objections, even to first principles. Besides, the forms of pleading at both bars were very different, and therefore it was necessary that the commissioners should be judiciously selected; that the object of the bill might not fail to be carried into effective execution. He proceeded to say, that the bill had been carried through the other House with the support of a noble and learned lord, who would have done well to consider, whether its principles might not be applied to the administration of justice in another part of the united kingdom; for he believed the forms of process in Scotland were not more prolix or objectionable, than those of the English court of Chancery. When the noble and learned lord at the head of that court did in the other House, in carrying the resolutions on the appellate jurisdiction, evince a great anxiety to facilitate the proceedings of Scotch law, he ought not to have forgotten that the process of the court over which he himself presided was as fit an object for inquiry as that to which those resolutions referred. But perhaps the noble and learned lord would not agree with him, that inquiry, like charity, ought to begin at home. Yet he ought surely to have kept in view the Christian maxim; and before he proceeded to remove the beam out of the eyes of our Scotch brethren, he should have taken the mote out of his own. The proceedings might be prolix in Scotland, but he defied them to be more prolix than were the proceedings in our own court of Chancery. An hon. and learned friend opposite (Mr. Wetherell) afforded daily proof of this fact. No man made longer speeches there, though always unquestionably highly to the advantage of his clients. Why was not he to be examined upon this point before a commission, that he might give there, as he was in the constant habit of doing in that House, a fair, candid, and impartial opinion, uninfluenced by any wish to please persons in authority? [Hear, hear]. Why had not the attorney-general and the great ornaments of the court of Chancery been called upon to state their ideas of its abuses and of the remedies. In looking over the report which he had mentioned, it was curious to observe how summarily it disposed of a matter of grave dispute, which elsewhere was still *vexata questio.* It declared unreservedly, that it was impossible for the lord chancellor to discharge all his duties in the House of Lords and in the court of Chancery. Such had not been the opinion of sir S. Romilly. In 1813, he had not thought that a vice-chancellor was necessary, but a new chancellor. He had admitted the great legal talents of lord Eldon; but denied his fitness for the office he filled: he had complained that he did not confine himself to his judicial duties, but that his ministerial duties crossed and jostled them on the way, and interfered with their progress. He had objected, that lord Eldon was required to be not only in his own court, but in the cabinet, in the Privy Council, and in the King's closet. In short, that his other avocations took up so much of his time, that lord Eldon could not devote his high talents and his unequalled learning, to the cases of suitors in equity. He (Mr. B.) joined in these sentiments most heartily. He wished to speak with all due respect of the incorruptible integrity of the learned lord in the discharge of ordinary judicial business. A man who stood exposed to the eyes of all the world could not well be guilty of any acts of corruption; but the appointments made by him to judicial offices formed quite a different question. There the politician interfered, and it was the opinion of all Wesminster-hall, that lord Eldon carried the politician too much into court, in disposing of the patronage attached to his station. Let it be remembered also, that he had taken upon himself another office; namely, that of prime minister. "As to lord Liverpool being prime minister (continued the learned gentleman), he is no more prime minister than I am." I reckon lord Liverpool a sort of member of Opposition; and, after what has recently passed, if I were required, I should designate him as "a noble lord in another place, with whom I have the honour to act." [A laugh.] Lord Liverpool may have collateral influence; but lord Eldon has all the direct influence of the prime minister. He is prime minister to all intents and purposes, and he stands alone in the full exercise of all the influence of that high situation. Lord Liverpool has carried measures against the lord chancellor. So have I; therefore I say, that we act together. If lord Liverpool carried the Marriage act, I carried the Education bill; and if lord Liverpool succeeded against lord Eldon in some points on the Queen's-trial, I say that I totally defeated him on that odious bill of pains and penalties. I might just as well call myself prime minister as lord Liverpool. He has no more claim to the distinction than I have. He acts with me, and I with him; and I call him my noble co-adjutor, and I trust we shall enjoy a long course of co-operation. I am sincerely glad of it; and, long as I have sat and fought on this side of the House, I never welcomed a recruit to our body with greater satisfaction than my lord Liverpool. Lord Westmorland's accession may have given me more surprise, but certainly not more pleasure. With such powerful assistance, and especially with the highly classical eloquence of lord Westmorland, I should not much wonder if we were to make head against our opponents, and, in time, turn out this prime minister. The right hon. gentleman opposite appears to entertain some doubt upon the point; and truly, I must myself admit, that lord Eldon seems to possess a grant of the place, "for the term of his natural life"—[a laugh]. The learned gentleman proceeded to express his strong disapprobation of the change lately made in the House of Lords, in the administration of justice in the last resort. A private ex-parte proceeding had been got up on this subject in the other House, regarding which not a word had been said, or even whispered—to the Commons' House of parliament. It was a measure, not a bill —a series of resolutions adopted at the extreme end of the session, on a matter affecting the interests of all classes of the community. And yet one branch of the legislature had not been allowed the slightest participation. Was this treating the House, or the people it represented, as they ought to be treated? He did not deny that the peers had the power of taking this course. It might be abundantly legal, and at the same time extremely unconstitutional. He laid this down, not as a paradox, but as a maxim. The Crown might do many acts perfectly legal, but for which the minister who advised them would be impeached. If the House carried an address to the foot of the throne for the removal of a minister, the king might reply, "I will not attend to your insolent resolution; you are my poor Commons, as you styled yourselves in the reign of my predecessor, Elizabeth; the mere tools of a misguided populace; I will not listen to you; get about your business, and never let me see your faces again." This might be very legal language, but it would be most unconstitutional and perilous—perilous, indeed, for the advisers of the Crown; for an impeachment would certainly and instantly be the consequence. In the same way, either House might lawfully refuse to receive a bill passed by the other; but such a course would be most unconstitutional. So here the House of Lords, if it had acted legally, had acted unconstitutionally—unadvisedly towards the House of Commons, and unjustly towards the people it represented. The House of Lords ought to have pursued the old, plain, straight-forward course, of sending down a bill; and the times had been, when the Commons, if they had not carried an address would have voted resolutions expressing their indignation that this mode of proceeding had been abandoned. Had the Commons no constituents, or were the abuses in Chancery of no importance to the people of England? "O yes," replied the lord chancellor, the prime minister, "very true, it is very fit to inquire; but that inquiry ought only to be made by the law-officers." The House of Commons was yearly summoned by the king "to deliberate upon divers great and weighty affairs;" and were any affairs more great and weighty than the proceedings in the court of Chancery? Lord Eldon, in 1813 had sent down a bill; he then tried to do the job in that way: but he grew tired of it, and he now prevailed upon the Peers to pass resolutions behind the backs of the Commons. In 1813 he had said, "I want a journeyman chancellor, that I may get to the House of Lords;" and in 1823 he declared, "I want a journeyman Speaker, that I may get to the court of Chancery." If this last demand were acquiesced in, lord Eldon might indeed attend in Chancery, or in the House of Lords, at his pleasure; but he would be relieved effectually from all the burthens of his office, and the result might be, that the practice would terminate of appointing a great and enlightened lawyer to the dignity of lord-chancellor. Once sever his judicial and political capacities by giving him only the last, and a second lord Shaftesbury might be made chancellor; such a man as Charles 2nd made his friend, for turning into ridicule that illustrious statesman, lord Clarendon, for imitating his manners and his gait, and for employing a man to carry the fire-irons before him in mockery of the insignia of office. Lord Shaftesbury—the virtuous and pure lord Shaftesbury—had, indeed, turned out a more honest chancellor than he was a politician; and an instance of the same kind in our own was not wanting. If such were the case, a creature, a favorite, might in future be appointed chancellor, and the monarch himself might make a bargain for a part of the patronage belonging to the office. Such was the consequence that sir S. Romilly had predicted. His fears had been in great part realized. He had said it was possible that, in a short time, it might cease to be the practice to appoint a great lawyer to the office of chancellor. To this it was answered, that there would, nevertheless, be still a great lawyer in the House of Lords; but now, even that was to be done away with. Some fine gentleman taken from the court, such as Roger North spoke of as going down to the House of Lords in a silk dress, upon a gaily caparisoned horse, might be chosen to preside in the Peers, who thought merely of the court of our lord the king at St. James's, and never troubled himself with the court of our lord the king in Westminster-hall. Though this was an extreme case, yet great mischiefs might arise, even if that extreme case did not occur. The best lawyer on the side of the minister now must be chosen. Such a man as sir S. Romilly, who might have got through the arrear in half a year, and discharged the duties of chancellor as satisfactorily as lord Hardwicke, was of course excluded on political grounds; but at present, the best lawyer among the Tories must be named, or the Chancery bar would soon make the court too hot to hold him.—After these resolutions of the House of Lords, however, some useful, acute, and able debater might be appointed to the chancellorship, for other qualifications than his law, and other recommendations than his integrity. Another objection to the resolutions was, that the House of Lords would be able to pay this new Speaker, without coming to the House of Commons at all. For by a sort of trick and chicane, and for the purpose, no doubt, of heightening the station, and preserving its dignity, he was to be included among the doorkeepers and attendants of the Peers. This was not using the House of Commons well; and the plan used the people of Scotland at least equally unceremoniously. They were completely satisfied with the decisions of lord Eldon upon their appeals, and must be dissatisfied with any new arrangement. The professional men of Scotland had the highest confidence in the learning, skill, and integrity of lord Eldon. They were even satisfied with his decisions, when he differed from a large portion of them, as he sometimes did, on the law of Scotland, as affecting certain descriptions of property. Nay, some of them had gone round to that learned lord's opinions on those points; and he (Mr. B.) believed that, if the lawyers of Scotland were polled, the majority would be in favour of the learned lord's opinions on those points. The same sentiments were entertained with respect to lord Redesdale, whose attention to subjects of appeal was unremitting. Nothing, therefore, could be less satisfactory to the Scotch than to be deprived of the advantage of having their causes determined by individuals of such high station and character. In another point of view, the final jurisdiction of the lord chancellor was of immense importance, as it gave confidence to the suitors in the courts below, that no gross injustice would be perpetuated in those courts. No such injustice would be attempted, while there was this great authority behind, always on the watch, and always ready to pounce down on any one whom he saw guilty of such conduct. Every judge in the courts below knew what he would get if he made any such attempt. He (Mr. B.) never knew sharper language used by one to another, than that which he had heard lord Eldon use towards the judges of the Court of Session. He did not speak of the present period, but of a period twenty years ago. Talk of attacks in that House? They were nothing compared to what he had heard in the House of Lords, from the learned lord on the woolsack. He remembered that, on one occasion, an extravagant charge had been made by what was called in Scotland, a factor, on the estate of an infant for great feasts. The judges of the Court of Session sustained those charges; and some of them threw out an opinion, that it was highly important that the hospitality of great houses should be preserved, and that the links should be kept up between great families and the surrounding people; and they remarked, that one of the most endearing of those links was a mutual indulgence in the popular amusement of eating and drinking. They observed also, that such an intercourse was the origin of society, and was calculated to ameliorate the character of man in his rude state. However, the circumstances came in the shape of an appeal to the House of Lords before the lord chancellor Eldon, who knew nothing of man in his rude state, but a great deal of him in his polished state. When he was told of the necessity for hospitality, the learned lord simply asked, whether the factor had exhibited all this hospitality in the neighbourhood of a circuit town? thereby intimating, that the judges might probably have formed some of the links of which they had spoken; and have illustrated their own doctrine by their lives, by eating and drinking on the estate of the infant in question. With that caustic remark, the learned lord dismissed the further consideration of the case.—Among the instructions given to the commissioners, was one, to inquire into the practicability of any intermediate court of appeal for Scotland. That would never do. Let them take men of the highest rank at the bar, or on the bench—let them take men of all parties—let them take even Clerk and Cranstoun, men not less illustrious for their firm integrity and punctilious honour, than for their splendid talents. Mr. Clerk, especially, who during a long life had invariably exhibited a degree of chivalrous honour, and who enjoyed, on the part of his clients, as well as of his professional brethren, a confidence richly deserved by his singular sagacity, by his extraordinary ingenuity, and by that profundity of legal learning, in which he was equalled by no man but the learned lord on the woolsack; or Mr. Cranstoun, who had been repeatedly heard by many members of that House, with an admiration continually increasing, and whose integrity was as unimpeached as his powers of mind were unexcelled; let them take those men, and let them add any others they pleased, and he defied them to constitute a board of appeal that would be satisfactory to the people of Scotland. What the latter wanted was, an ultimate court removed from Scotland, unconnected with Scotland. What they wanted was that which they at present enjoyed—the House of Lords, with the lord chancellor at its head. Then came the other recommendation to the commissioners, namely, to see whether there were not cases in which it would be advisable that no appeal should be allowed. For his part, he trusted the commissioners would give the most positive negative to both the questions thus put to them. Under all these circumstances, it was his decided opinion—1st, that the commission was proper and desirable, if the commissioners were fitly chosen—2ndly, that beyond the bill now under consideration, nothing ought to have been done by the House of Lords—3rdly, that whatever was done, ought to be done in the form of a bill, and with the co-operation of the House of Commons—4thly, that no change in the appellate jurisdiction would ever satisfy the people of Scotland, though it might relieve the chancellor from the duties he had hitherto performed, and which he ought still to discharge.

The *Attorney General* thought that a great deal of the remarks and censures upon individuals indulged in by his hon. and learned friend might well have been spared. The commission to be appointed was for the purpose of inquiring, whether any means were devisable for clearing the arrears of appeals from the courts of Scotland, and for preventing the accumulation of those arrears in time to come. To neither of these objects did he understand his hon. and learned friend to express any opposition. He could not say that a great deal would be effected by the bill in the reform of the evil; but at any rate, as the evil existed too notoriously to be disputed, parliament was bound to do something towards a remedy, and that was a sufficient argument for the bill before the House. They were aware, that, in one court of Scotland, there already existed a right for the suitor to reclaim his cause, as it was called, for review before the judges who had tried it. They might find it eligible to commute this right for that of subjecting the case adjudged to the judges of the land. At any rate, the plans before them demanded consideration. No one could doubt the benefit of reducing the number of appeals, and no other plan had as yet been submitted. He did not say that this was the best or only plan; neither should his hon. and learned friend have argued it, as if no other could, at any future time, be tried. It was not offered as a permanent measure, and would unquestionably come under the revision of the House. His hon. and learned friend had argued as if the measure had only for its object to ease the labours of the lord chancellor. That was not at all the intention. It was simply, in the first instance, to get rid of the arrears of Scotch appeals. The success of it would, in all probability, not in in the least affect the labours of that great magistrate; who despatched these appeals at present as speedily as, in all probability, had ever been done, and who would continue to have the whole of his valuable time employed, if none of those appeals were to come before him. He justified the House of Peers from any supposition, that the arrears were to be attributed to their neglect, because a great deal of time and attention were bestowed upon them. Of course, nothing could be further from the wishes of himself, as well as of his hon. and learned friend, than to see the office of chancellor bestowed merely with a regard to political influence, or court favour, or upon any other person than upon one who was generally known to be the most skilled in the knowledge of the laws, and who possessed the highest character in the profession. It could never become the business of the lower House to dictate what number of hours, and upon what plan of proceeding, the peers should entertain appeals. The peers must be left to settle those points, and many others of the kind, for themselves. He admitted that there were very considerable difficulties in the way; but something must be attempted for the riddance of those arrears. He was convinced that there were cases in which it would be advantageous to take away the right of appeal. Upon the whole, the House had heard nothing to induce them to oppose the third reading of the bill.

Mr. Secretary *Canning* said, he had a few words to offer, only to one point of the discussion. He professed his ignorance of the general nature of the plan, and therefore would reserve his opinion until he should be better informed. It was admitted on all hands, that the evil was excessive, and that the necessity for a remedy could not be disputed. It was as plain that the appellate jurisdiction must be left with that tribunal which was of the highest authority in the kingdom. He could not say that this was the best possible plan. But, a doubt had been expressed by the hon. and learned gentleman whether, upon instituting and installing this substitute, supposing that he should not fulfil the expectations entertained concerning him and his office, it would be open to the House to go into a discussion upon the merits of a judicial office in the upper House. It was to this point he wished to reply. Undoubtedly the House would be at liberty to deliberate upon this subject, without at all infringing upon the orders and constitution of the other House, and that too by the exercise of their own proper jurisdiction; for, by the time this new machinery would be up and ready for use, the House would be called upon to provide for the salary of the new office. Up to 1816, the pay of the officers and clerks of that House, was provided for retrospectively. Since that period, the provision had been prospective; and he found on the estimates of the present session, an item for the salary of lord Shaftesbury for this current year. It was obvious, therefore, that the House would have full opportunity for renewing the whole of this subject, at a period nearly as early as that in which the experiment was to be made.

Mr. *Abercromby* maintained, that the present was the only occasion on which his hon. and learned friend could animadvert on the strange and anomalous plan in question before it was carried into execution. He thought it was matter of much regret, that an opportunity for considering the subject had not been afforded until so late a period of the session. Nothing could be more interesting to the people generally, and more especially to the people of Scotland, than a proposal to alter and vary that most important of all matters to the subjects of this realm—the ultimate decision of justice in the House of Lords. He knew no question of more deep and general interest than that which is hon. and learned friend, the Member for Lincoln, had agitated this session respecting the court of Chancery. Whether his hon. and learned friend, who this year had brought the abuses of the court of Chancery before the House, pursued the subject at another period or not, he was convinced the public would never rest, till a thorough investigation of the whole of those abuses had taken place. With respect to the appellate jurisdiction, the measure in contemplation would render the holder of the new appointment a greater person than the lord chancellor himself; for appeals might come before him from the court of Chancery; the lord chancellor's Deputy in the House might thus become his superior, as an equity judge. So far also as regarded the present Scotch appellants, he thought they ought to be allowed to withdraw their appeals, in case they should not approve of the new jurisdiction which Parliament appointed to decide them, but which in preferring those appeals they had never anticipated. It had been said, that this could not properly be called an innovation, because it was not intended to be a permanent alteration. But he did not dread innovation when permanent good was the object in view; although he most strongly objected to changes which were only to meet temporary emergencies. By the present measure a plan of profit would be created, and every man must know in his conscience, that if the existing administration were able to show the necessity of the appointment now, a future administration would be able to show the necessity for continuing it. The result, in short, of this and the other alterations which had been made in the duties of the head of the court of Chancery, would be to render the lord chancellor a mere political personage, who, without being himself a lawyer, and without having any sympathy with the bar, would have the power of dispensing vast patronage among his political adherents. Upon the whole, therefore, he objected to the measure, as one of the greatest grievances which could be inflicted upon the people of Scotland, and one of the most injurious alterations, as regarded the law in England. Instead of adopting such a course, he, would, if necessary, afford the lord chancellor further relief in the court of Chancery, but retain him as the head of the appellate jurisdiction of the country It was first incumbent, however, upon that House to investigate the whole subject of the Court of Chancery. The report, which they already possessed, admitted there was great room for improvement; and it was the duty of parliament to eradicate abuses where they existed.

Mr. *J. Williams* expressed his disappointment that the right hon. Secretary for the Home Department had not favoured the House with his sentiments upon the present subject. For his own part, he could not avoid expressing his conviction, that it was not the appellate jurisdiction only, but the whole business of the court of Chancery, which Parliament ought to investigate. As to the present bill, all he should object to was the period of the session at which it was introduced. In answer to what had been said by the right hon. gentleman opposite he would observe, that the alteration in the appellate jurisdiction was now an open question, but at the period when the right hon. secretary thought it might be best discussed, a person would be appointed to that newly-invented situation, and his very appointment might be urged as an argument against inquiry. The report which they had before them was not, in his opinion, fit evidence upon which to legislate; for it appeared to have been drawn up for the mere purpose of making a florid display of the vast labours which the lord chancellor had now to perform. He could not help adverting to what had been said by sir S. Romilly of lord Hardwicke—"That great man" (said he) "instead of sitting till two o'clock in the day, often sat till two in the morning;" and extra exertion, during that extra number of hours, might be one reason why the arrear of business was so much less in lord Hardwicke's time than it was at present. Indeed, he in his conscience doubted the truth of the allegations in the report, and believed, that the three existing equity judges were perfectly competent to discharge all the duties of the court of Chancery. Upon the new assistants which the lord chancellor was to have in the appellate jurisdiction of the House of Lords, he merely begged to say, that if, as had been observed by his hon. and learned friend, the whole fifteen judges of Scotland would not form an appellant tribunal satisfactory to the people of that country, the present arrangement must totally fail in that object. It was to be composed of four peers who, except hereditarily, knew nothing of the law of Scotland, and a splendid unknown, who had no vote in deciding the cases which came before him, but when asked for his opinion, was bound to give it to those lawyers of fiction, not of fact—his noble colleagues. In conclusion, he felt himself bound to say, that if no member better qualified than himself undertook the task, he should early next session bring the subject of delays and other abuses of the court of Chancery before Parliament. To the present bill he should not object.

Mr. *Peel* said, he thought he had observed a smile on the cheek of the hon. and learned gentleman who spoke last, when he expressed his surprise that he (Mr. Peel) had not spoken during the present discussion. In reply, he could assure the hon. and learned gentleman that there were various reasons for his silence: 1st, the two speeches of his right hon. friend, and of his learned friend the attorney-general, had exhausted the subject; next, he begged to assure the hon. and learned gentleman, that as he had sat in his place till three o'clock that morning, with not more than a fifth of the members then present in attendance, he was but little disposed to enter on such a subject as that now under consideration; 3rd. he had reason to think, from an intimation from the hon. and learned gentleman himself, that he would bring the subject before Parliament early next session; and upon a question of so much importance, he wished to reserve himself till that occasion should occur for delivering his sentiments at length. 4th. as he was to have the satisfaction of concurring with the hon. and learned gentleman in the vote he should give on the present bill, he was unwilling to disturb the harmony of the evening. Lastly, as the vote for the salary of the person appointed to the new situation in the House of Lords, would give the hon. gentlemen opposite another opportunity of stating their opinion on that office, he thought there was no necessity to provoke a premature debate on the subject.

Mr. *Wetherell* said, that he considered the measure adopted in the other House of Parliament merely as a choice of considerable difficulties, and as such assented to it. He did so the more readily, because there appeared no necessity for rendering the appointment a permanent one.

Mr. *Denman* remarked the singular fact, that in the speeches which had been delivered, none of the gentlemen opposite had thought proper to say that the bill was a good one. He trusted the commission for inquiry into the administration of the law in Scotland would supersede the necessity of adding to the law the ignoble officer alluded to. He would never vote one farthing for paying such an officer, and he called upon his hon. friend (Mr. Hume) to oppose any grant for that purpose. He objected also to the appointment of that officer, because it would increase the judicial patronage, when the mode in which that patronage was dispensed and withheld was already most disadvantageous. His opinion on this subject was at least impartial, because now he held, by the vote of a great public body, the city of London, those advantages which he would rather hold from the public than from any individual: but no man could look at the manner in which his hon. and learned friends, the members for Winchelsea and Lincoln (Mr. Brougham and Mr. J. Williams) discharged their duty to their clients, and at the talent which they uniformly displayed, without being filled with surprise that they were not placed in the first ranks of their profession. The consequence of this rank being withheld from them, produced not only great inconvenience upon the northern circuit, but was a material drawback upon the interests of the profession; and he should suffer no opportunity to escape him, in which this subject was mentioned, without expressing his opinion upon the injustice which had prompted their exclusion.

The bill was read a third time and passed.

QUARANTINE REGULATIONS AT MALTA.] Mr. *Hume*, in bringing forward his motion with respect to the Quarantine Laws of Malta, felt it necessary to explain shortly the nature of the grievance complained of, and the remedy which the aggrieved parties were anxious to obtain. He had mentioned this subject early in the session, and he understood that it was to be inquired into; but he had four days ago received a letter from the Committee of Merchants at Malta, in which was an extract of a letter from lord Bathurst, stating, that after a full inquiry into all the circumstances of the case, he saw no good ground for altering the Quarantine laws with respect to that island. This answer of the noble lord had put the whole commercial interest of the island into a state of alarm. Therefore it was that, even at that late period of the session, he felt it necessary to make this motion. It was well known that Europe had for a long time, and as it were by a family compact, excluded the states of Barbary and the other Turkish states and dependencies, from that free intercourse which took place between the other ports of the Mediterranean, with the express view of preserving themselves as much as possible from the plague which raged in those countries. But while this law existed in the Mediterranean, as well as in all other European ports, the island of Malta was in free pratique with those ports. In 1813 the plague reached Malta, and was not removed until 1814. After this, the ports of Genoa and Leghorn notified that the ships of Malta (if no recurrence of the evil took place) were to be allowed free pratique as before. In 1814, circumstances arose which created a want of confidence in Genoa and Leghorn, in consequence of which Malta was placed with respect to her ships, upon the same footing with the Barbary or any other Turkish states. What he wished was, that Malta should be placed upon the same footing with other Mediterranean ports; that there should be established at Malta a Board of Health, instead of allowing the power to rest with Dr. Greaves, who was under the control of sir T. Maitland, and who allowed persons from any part of Turkey to land by his directions, without undergoing the usual quarantine. This it was that caused such a jealousy in the other Mediterranean ports, and induced them to place vessels from the island of Malta under the same quarantine restrictions which were imposed upon vessels from the Turkish coast. So long as the irregularity existed, so long would the other Mediterranean ports keep Maltese ships on a footing with Turkish ships. In 1815, sir T. Maitland went to Tunis. He remained there two days, and on his return to Malta he was allowed to land immediately, without performing any quarantine. True it was, that the plague did not then rage at Tunis; but this was no answer, the omission of the usual cautionary measure was a good ground of jealousy on the part of the other ports, and it consequently subjected the Maltese merchants and traders to all the losses and disabilities which a quarantine must necessarily bring upon them. The hon. member went on to state various cases in which the quarantine system had been observed by other powers, while it had been totally neglected in Malta. The return of sir T. Maitland to Malta was notorious. It was a singular fact, that while we were so regardless of the quarantine laws, they were so strictly observed by other powers, that even on the arrival of the consort of the duke de Berry from Sicily at Marseilles, she was obliged to perform quarantine. After some remarks upon the farce of fumigating letters from Malta, while woollens were allowed to pass unnoticed, he proceeded to state, that it appeared from a calculation, upon which he could rely, that from February, 1816, to April, 1823, a period of more than seven years, sir T. Maitland had not resided more than 309 days in Malta. Let the House consider the important duties which sir T. Maitland had to perform. Let it be remembered, too, that the courts of justice had been several times at a stand, in consequence of the absence of that gentleman; who, in the mean time, issued the most important orders from the island of Corfu. Let the House but take this for a moment into their serious consideration, and they must at once perceive the necessity of a change of system. He would cite one, amongst many instances, of the exercise of the governor's power in this way. On the 18th of March, 1819, sir T. Maitland proclaimed, from Corfu, that from and after that date, there should be imposed upon each quarter of corn imported into the island of Malta a duty of three scudi, or about 5*s.* English. In the following August, this duty was raised, by proclamation of the lieutenant-governor, from 5*s.* to 8*s.* 4*d.*, and on the 5th of the following November, the then lieutenant-governor, (colonel James Maitland) issued a proclamation, stating that, from the date thereof and until further orders, the duty on barley or Indian corn should be raised from three to five scudi, or, in English, from 8*s.* 4*d.* to 13*s.* 4*d.*—These orders were to be enforced on the instant, without entering into any consideration of the interests of the parties concerned. The hon. member then moved, "That there be laid before this House copies of all Correspondence between the Committee of British Merchants at Malta and the Government at Malta, and the Colonial Office in England, since 1814, respecting the Quarantine Regulations at Malta."

Mr. *Wilmot Horton* did not rise to oppose the motion, to which he would have agreed without observation, did he not feel it to be an act of justice towards sir T. Maitland to make a few remarks on what had fallen from the hon. gentleman. With respect to the alteration in the duty on grain, if it could be regulated by any fixed principle, as might be the case under ordinary circumstances, the observations of the hon. member would be just; but, when it was recollected that the island depended upon a foreign supply, he could not assume, because a change was made in the rate of duty, that the system was bad, or that there did not exist some sufficient reason for the change. The hon. member had argued, that there ought to be an independant board of health at Malta, the same as at other ports, instead of the system of regulation which now prevailed there. But he could not have read the correspondence for which he now called, or he would have found, that the merchants admitted the theory of the quarantine system to be more perfect at Malta than any where else. Vessels carrying susceptible goods were formerly placed in quarantine for forty days. That period was now lessened one-half; others carrying goods less susceptible were detained for a shorter time; and a third class, not likely to have any thing infectious on board, were placed under what was called the quarantine of observation. There was not, as the hon. member had asserted, any favouritism, in the invidious sense of the word, manifested towards men of war. If more indulgence was shown to them than merchantmen, the reason was obvious. The cleanliness and the discipline of men of war rendered the chance of their crews being afflicted with contagious distempers much less likely than those on board merchantmen. The fumigation, the expurgation, to which the latter was subjected during quarantine, were going on in the men of war all the while they were at sea. The hon. member had observed, that sir T. Maitland went on shore at Tunis, and returned to Malta without undergoing any quarantine. It was true he went to Tunis in 1815, passed two days there, and then came back to Malta; but it was a remarkable fact that, at the time sir T. Maitland paid his visit, no person had had the plague at Tunis for the space of years. But the practical charge was, that the quarantine at the other ports in the Mediterranean was rendered more severe, in consequence of the laxity of the regulations at Malta. In proof of this, the hon. member had alluded to Marseilles. But the board of health at Marseilles were perfectly satisfied with the regulations at Malta. The hon. gentleman concluded, by saying, that he could have no objection to furnish the hon. member for Aberdeen with such copies or extracts of the correspondence as he might wish.

Mr. Hume, upon that undertaking, consented to withdraw his motion.

HOUSE OF LORDS.

Wednesday, July 16.

Silk Manufacture Bill.] Lord *Bexley* moved the order of the day for the third reading of this bill. The measure, he said, was one which had undergone the fullest consideration in the committee, and certainly no body of individuals were entitled to greater attention for their uniform good conduct, orderly behaviour, and loyalty, than the petitioners against the bill. Not only, however, was the opinion of the committee in favour of the repeal of the existing acts; but that had also been the opinion of the committees on foreign trade in 1820. No good reason could possibly be assigned, why the silk manufacture in London should be under restraints to which no other trade in the kingdom was liable. The consequence of those restraints was, that while the silk manufacture was rapidly advancing in all parts of the country, in London it at best stood still. The grounds on which the committee recommended the adoption of the measure were, first, there being no limit to the time of suing for penalties or offences committed against the existing law; secondly, the hardship on the master manufacturers resident in Spitalfields, &c. of not being permitted to employ any part of their capital, except in London and Middlesex, within ten miles of the Royal Exchange; thirdly, the inconveniences resulting from the amount of wages being subject to the control of the magistrates. On this latter point, the evidence even of the opponents of the bill was decisive. It had been urged by those opponents that during the continuance of the existing law, namely, for fifty years, the weavers had been in a state of order and quiet; but that considerable disturbances existed before that period; on which account the law had been proposed and agreed to. The facts did not bear out that allegation. For, four years before passing the Spitalfields act, peace and tranquillity, which prior to that time had certainly been disturbed, were completely restored. The committee had in vain recommended to the petitioners against the bill to agree to some compromise; but they would not agree to any relaxation of what they called their charter. The bill, therefore, now came before their lordships in its entire form, and they must pronounce either for abolishing all the existing and injurious restrictions and regulations, or for letting them all stand. The noble lord here entered into various details to shew the inconvenience and evil of the existing law, and to prove that the weavers themselves suffered from the necessity under which the law occasionally placed the masters, in times of limited demand, to diminish the quantity of work. He had no doubt that if the present laws were repealed, and if the duty on the importation of the raw material were considerably diminished (which might, perhaps, be accomplished without injury to the revenue, by increasing the duty on the importation of foreign silks), the silk manufacture would become one of the staple manufactures of the country.

The Earl of *Harrowby* was of opinion that the bill ought not to pass. In the first place, he considered that the residence of a large manufacturing body in the metropolis was *prima facie* a great evil; which could be counteracted only by regulations that might nevertheless not be in themselves conformable to general principles.

Everybody knew that, before the passing of the existing laws, nothing more frequently endangered the peace of the metropolis, than the disputes between the master and the journeymen silk-weavers respecting wages. During the fifty years which had elapsed since the passing of those laws, no disturbance whatever had occurred. Not only had this body of men, larger, he believed, than belonged to any other separate trade, abstained from disturbing the public peace, but they had shown by their good conduct in other respects, an admirable example to the general community; resisting, under every circumstance of pressure, the attempts of political agitators, which had been but too successful elsewhere. Adverting to what his noble friend had said of the present practice in times of light demand of reducing the amount of work, as the master was precluded by law from reducing the wages, he (lord H.) contended, that that was much better than the practice which, in the event of the repeal, would obtain of working up twice the quantity of the raw material, under the circumstances which he had described; the effect of which would so inundate the market, as to obstruct the return of a large demand. It was contended, that the silk manufacture had greatly increased in the country, and that if the Spitalfields acts were repealed it would very much increase in the metropolis. He was far from thinking that that would be an advantage. If the effect of the existing law were gradually to diminish the trade in London he should consider it advantageous. He could by no means agree with his noble friend, that because all compromise was refused by one of the parties concerned, their lordships were bound either to reject the bill, or to pass it in its entire state. It was for their lordships, if they thought such a compromise desirable, to force the parties to accept it. In the immense progress which had been made of late years in this country in the use of machinery, while there was much to admire, still, as in all human affairs, there was a drawback. The best description of manufacture was that which was domestic. In places from which domestic machinery had been banished, the mischievous effects had been strikingly manifest. If the present bill should pass, thousands of weavers who now lived with their families would be taken away from them, and stowed into enormous buildings, where they would be exposed to every evil, and where their excellent moral habits would be destroyed, while half a dozen great manufacturers would amass large fortunes. On all these considerations he would move, that the bill be read a third time that day three months; intending, should he fail in that object, to move an amendment, for the purpose of limiting the operation of the proposed repeal.

The Earl of *Liverpool* said, he was as willing as any one to applaud the conduct of the petitioners against the bill. No body of men could exhibit more patience and loyalty than they had done in the most critical times; but, feeling as he did, that, on the present occasion, they laboured under the greatest mistake, he should not be prevented from legislating according to the best of his judgment. The measure under consideration came recommended by the committee on foreign trade, three years ago, and he would ask their lordships to consider what it was that formed the power and strength of this country; what it was that had enabled us to conduct so many wars, and especially the last, as we had done? What but the extent and prosperity of our manufactures. Even the agricultural interests themselves were supported by it. Nor was he ready to admit, that the manufacturing districts were more disloyal than others. Birmingham was an instance to the contrary; and Manchester, notwithstanding recent events, was as loyal, peaceable and well-disposed as any part of the kingdom. The laws which the bill went to repeal were injurious, and contrary to the liberal spirit under which our manufactures had succeeded; and it was a proof of the mischief arising from those enactments, that a rival manufactory had been set up at Streatham, in Surrey, because the enactments did not extend to that quarter. Whether the bill was or was not against the wishes of the operative manufacturers, it was for their interests that it should pass; and under this impression he would vote for the third reading.

The *Lord Chancellor* said, that whatever the policy of the 13th of Geo. 2nd might be, it had continued in operation for nineteen years, and had been confirmed and reiterated in other acts of parliament, for nearly half a century. The question was, whether acts which had been so long in force should now be repealed at once? He did not mean to say that there ought to be no change, but contended that it should be gradual.

The Earl of *Rosslyn* approved of that part of the bill which went to repeal the restrictions on capital, and to allow the master manufacturers to employ any part of it in other places. He thought the bill might be so amended on the third reading as to retain this provision, omitting those which were questionable.

The bill was ordered to be read a third time to-morrow.

HOUSE OF LORDS.

Thursday, July 17.

SILK MANUFACTURE BILL.] On the order of the day for the third reading of this bill,

Lord *Bexley* said, that with the assistance of the noble and learned lord on the woolsack, and other noble lords, he had been endeavouring to prepare the amended clauses in such a manner as to meet, what he understood was the opinion of the majority of their lordships. It was now proposed, that the power of the magistrates to regulate the wages of journeymen within the districts in question, should be left untouched; but that the master manufacturers should be allowed to employ any part of their capital out of those districts; and that the period within which information should be allowed for offences against the existing law, should be limited to three months. Such were the amendments proposed, and he now moved that they be introduced into the bill.

Lord *Ellenborough* expressed his conviction, that the adoption of these amendments would be more advantageous to the journeymen, than if the bill had been thrown out altogether; because, in the latter case, the manifest injustice of the restriction on the employment of capital out of the districts in question, would no doubt have caused the renewal of the bill in the next session, under circumstances highly favourable to it. He trusted that the only advantage the journeymen would take of their triumph, if they chose to call it so, would be to come to some terms with their masters respecting the rate of wages for figured articles. If not, it would be their own fault should the masters employ their capital in districts where more moderate wages were paid. If they met their masters fairly, they would not have to apprehend, that the masters would avail themselves of the provisions of the bill to remove any part of their capital from the districts in which it was at present employed.

The Earl of *Harrowby* concurred completely in all that had just fallen from the noble baron. He trusted the workmen would be sensible that to the uncommon prudence and propriety of their conduct, what had taken place was attributable; and he trusted, with the noble baron, that they would now show a disposition to come to fair terms with their masters on the score of wages, especially with regard to fancy articles. If they stickled for much higher wages than were paid in other places, they must necessarily be thrown out of much of their present employment.

Lord *Calthorpe* felt sincere regret that the bill had not passed in the shape in which it had entered their lordships' House; convinced as he was, not merely that it consulted the best principles of political economy, but that it was due, in humanity and justice, even to the very individuals by whom it had been so strongly opposed. He hoped, however, that ministers would not be deterred from pursuing, with regard to other branches of our trade, that liberal policy which he firmly believed was calculated to give a stronger impulse to the manufactures and commerce of this country, than they had hitherto received from any legislative proceeding.

The Earl of *Darlington* declared his hearty concurrence in the alterations which it was proposed to make in the bill, and without which he could not have voted for it.

The amendments were then agreed to, and the bill was read a third time and passed.

HOUSE OF LORDS.

Friday, July 18.

ROMAN CATHOLIC ESTABLISHMENTS.] Lord *Colchester* said:—In pursuance of the notice which I have given, I propose now to move for certain returns of Roman Catholic chapels, colleges, and religious houses. The grounds upon which I presume to submit this motion to the consideration of your lordships, are these; that by the votes of the other House of parliament, a measure appears to have been brought forward within the present month, for enabling Roman Catholics to make endowments for what are described to be pious and charitable purposes;* and

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* Extract from Votes Ho. Comm. 3 July

I have waited till the latest possible moment, as your lordships will perceive, in order to see the nature and scope of the bill to be brought in; but as the bill has not yet been presented, according to the leave asked and obtained, I must consider the measure as standing over for another session; and therefore, I think it will be desirable to endeavour to collect, during the intermediate recess, such materials as may enable us to judge how far it may be expedient, or not, to adopt that measure, when it comes before us in a future session of parliament.

The form of proceeding by which such information may be obtained in the most usual course, is by address to the Crown, for returns to be made from the parochial clergy of each diocess, in the same mode as this House pursued in the years 1767 and 1780, for obtaining accounts of the Roman Catholic population.†

The objects of the present motion are, 1st, to obtain a return of the number of Roman Catholic chapels in England, all of which are, at present, very wisely and properly tolerated and protected by law; but with regard even to these, it may become a fair question, how far we should hereafter allow to them a perpetuity of existence by endowment, and so to ingraft them into the fixed institutions of a Protestant country.

The 2nd object is, to obtain a return of the Roman Catholic schools, academies, and colleges, as they are termed in the statute 31 Geo. 3. c. 32. or, in other words, of the Roman Catholic places of education; and this class of institutions, protected as they now are by law, may come within the same question of policy with respect to their permanent establishment by gifts and grants of property; and that of Maynooth in Ireland, the only one hitherto made permanent by law, in any part of the United Kindom, has, I believe, upon experience, lost much of the favour with which it was regarded by its original promoters.

The 3rd and last object of this motion relates to the religious houses of the Roman Catholics, such as convents, monasteries, and the like; and with this may be taken also the return of persons belonging to such monastic establishments, and of those also who, though not so attached, are bound by monastic or religious vows.

My lords, I am well aware that the existence, or, at least, the extent of these establishments has been brought into doubt, by many persons who are otherwise well informed.

But of the establishments at Stonyhurst in England and Clongowe's Wood in Ireland, it is notorious upon the spot, that the managers of each declare themselves to be Jesuits, and that they publicly wear the habit of their order. It is also well known, that the superior of each of those houses assisted at Rome in the election of the present general of the Jesuits; and not longer ago than last year, the noble secretary of state for the foreign department, entertained so strong an apprehension of the mischief which might arise from a larger importation of Jesuits into this country, that he thought it necessary to remonstrate with the court of Rome (of course not officially) against the plan then on foot for placing all the English and Irish students under Jesuit professors.*

The Benedictines also have recently formed a splendid establishment for themselves in the county of Somerset; and they, also, publicly traverse the country in the habit of their order; and other religious houses, of other denominations, but of like character, abound in various parts of England, and are daily spreading themselves about us in all directions, exerting themselves with the same restless

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1823, p. 550: "Bill to enable Roman Catholics to make and execute gifts and grants for pious and charitable purposes; ordered to be brought in by sir Henry Parnell and sir John Newport."

† See Lords Journals, 22 May 1767; Address; and 21 Dec. 1767, Returns presented; 3 July 1780, Address; and 5 March 1781, Returns presented.

* In what manner the order of Jesuits is and is not revived in England, will appear from the following extract of a letter from cardinal Consalvi to Dr. Poynter, vicar apostolic of the London district, to be communicated by him to his majesty's government:—"Quare Amplitudo tua Regis ministris poterit declarare *Societatem Jesu* in Angliâ (cùm civilis potestas eidem recipiendæ ac revocandæ repugnet) *nondum restitutam* censeri; *quamvis* generatim ita *restituta sit*, ut, si Gubernium illam admittere vellet, opus non esset peculiari Apostolicâ Concessione, ut eadem Societas in *Anglia recipictur*." 18 April, 1820.

activity, in making or purchasing converts.

When I had the honour some years ago, to hold the office of chief secretary in Ireland, authentic papers were put into my hands, whereby it appeared that the religious houses then existing there, were not less than 69 of all orders, Dominicans, Franciscans, Capuchins, Carmelites, and so forth; fifty-three of these religious houses were for men, and sixteen for women; besides a number of persons unattached to those religious houses, but bound by monastic vows, and consisting nearly of as many hundreds as the former. And I mention this on the present occasion, only to show, that it is material that by such a return as is now proposed, we should know the numbers of those who are unattached as well as of those who belong to public convents or monasteries.

It is, my lords, upon these grounds, and in contemplation of the measure which we have reason to expect will be brought forward in another session, that I wish to bring these matters under the view of parliament, in order that we may not be called upon to decide without full knowledge of the facts, how far we may wisely or safely allow these various Roman Catholic institutions to take perpetual root in this Protestant country, to a degree, and in a manner wholly unexampled since the days of the Reformation. I, therefore, beg leave to move—"That an humble Address be presented to his Majesty, that his Majesty will be graciously pleased to give directions to the Archbishops and Bishops of England, to procure from their Parochial Clergy, and in his Majesty's name to require from all persons invested with Peculiar jurisdictions in their respective diocesses;—An Account of all chapels, schools, academies, colleges and religious houses, belonging to Roman Catholics, or reputed Roman Catholics; specifying to what religious order such colleges or religious houses are reputed to belong:—And also, an Account of the number of Roman Catholics, or reputed Roman Catholics, belonging, or reputed to belong, to every such school, academy, college or religious house, or to any religious order or society of persons bound by monastic or religious vows:—And that his Majesty will order such Accounts to be laid before this House, on the first day of the next session of parliament."

The Earl of *Rosslyn* said, that he was extremely sorry to hear the motion made by the noble lord, as he felt it incumbent on him to oppose it. The motion, in his opinion, was made upon no distinct grounds, and was calculated to produce much mischief. The presumed bill from the other House, to which the motion had reference, was not before their lordships, and, perhaps, it never might be before them; nor after the recent vote of their lordships in refusing the elective franchise was there much chance of its passing this House; so that in reality, there was no measure that called for the noble lord's motion; while, on the other hand, there was ample time for their lordships to stand upon the defensive when assailed by the so much apprehended bill. It would, therefore, be more becoming to abstain from such motions as those submitted by the noble lord, till their lordships saw clearly what the House of Commons would do. He had before said, that the noble lord (Colchester) had not made out sufficient grounds for the motion he had submitted to the House; and it was also most singular that the motion did not extend to Ireland, as though the noble lord feared to embrace that part of the United Kingdom in it. With respect to the notice of a bill in the other House, upon which the noble lord's motion rested, it should be recollected, that this embryo measure went only to provide for the education of Roman Catholics in Ireland; and, therefore, he should like to know upon what principle the House wished to require that species of information with regard to England, where no apprehension of danger could possibly be felt? It was known, indeed, that no monastic institutions could legally be rooted in England; and the noble lord, aware of this point, called them reputedly such. Why excite, then, a feeling of commotion and disturbance, so calculated to hold out the Roman Catholics not merely to popular clamour, but also to attacks? He disliked, more than all, that the established clergy of this country should be made the instruments of such an inquisition, and this for no beneficial end. With regard to the inquiry as to the number of persons now under the conscientious force of monastic vows, he never knew so abominably inquisitorial a motion as that which the noble lord had proposed to the House; and he must say, that it came forward with a peculiarly ill grace at this season of the year, when the passing of bills was finishing, and when the formalities of the House were suspended by a tacit consent on both sides, so that no summons could be issued for the attendance of noble lords. The motion was, to say the least against it, excessively rash, fraught, in his opinion, with much danger, and could be productive of no manner of good. He should, therefore, give his decided opposition to the motion.

The *Lord Chancellor* took this opportunity to defend the conduct of the noble baron (Colchester) in submitting the motion he had made; for there could exist no doubt whatever, that the bill so likely to have originated in the other House was intended to repeal the law of the land with respect to religious houses. If hereafter such a measure should ever reach this House, he had only to hope that it would not arrive at a late period of the session next year, but that full opportunity would be given to examine and discuss it. But at present he hoped the noble lord (Colchester) to the honour and purity of whose motives all who knew him must do justice, would consent to withdraw his motion.

Lord *Colchester*, in reply, said:—Of the few observations upon the present state of this question which it now becomes my duty to offer to your lordships, the first shall be addressed to the speech of the noble earl who has opposed the motion. The measure announced by the votes of the other House, made the call imperative upon me, and those who hold the same opinions, to prepare to meet it; and if the noble lord complains of the lateness of the time at which this motion is made, let the blame of delay lie upon those who proposed their own measure at so late a period of the session. The bill to be presented in the other House extends, according to its title, to the whole of the United Kingdom; and the noble lord mis-states the fact in asserting that it relates exclusively to Ireland. When he objects to the mode of instituting this inquiry in England, through the parochial clergy, he forgets or overlooks the very course adopted upon the former occasions of 1767 and 1780; and the right reverend prelates now present can inform him, that there is no novelty whatever in this sort of communication between them and their clergy, respecting the religious state of their parishes; such inquiries are continually recurring upon their visitations. As to Ireland, when he asks, why this inquiry, if fit at all, is not extended in the same mode to Ireland, it is obvious that the different state of the church there, calls for a different course, and such inquiries there must be made through the local government. With respect to the harsh language which the noble lord has thought fit to address to me upon this occasion, the motives which he has imputed, and the tendency with which he charges my conduct, upon this occasion, I shall only reply, that I hear them with perfect indifference, and am well contented that the people of England should judge between us. It remains for me next to advert to the appeal which the noble and learned lord has been pleased to address to me; and to such an appeal so made, knowing his opinions upon the whole of this subject to be so much in unison with my own, I shall concede so far as to propose withdrawing this motion for the present, if such be the pleasure of the House: but in accordance also with the same recommendation, I now take the opportunity of giving this public and formal notice, that if any such bill as that lately moved for, shall be brought forward in the next session of parliament, I shall certainly renew the same motion for the same returns.

This motion was accordingly, with leave of the House, withdrawn.

HOUSE OF COMMONS.

Friday, July 18.

SILK MANUFACTURE BILL.] Mr. *Calcraft* wished to know what steps it was intended to take with respect to the Silk Manufacture bill, which he understood had come down from the Lords with several amendments, after their lordships had agreed to an inquiry into which that House had refused to enter.

Mr. *Huskisson* said, that as it was usual for the person who introduced a bill, afterwards to move whatever amendments it might receive in the House of Lords, he had hoped that the hon. gentleman would have allowed him to state the course which he purposed to adopt. He was free to say, that that measure had been so dealt with in the other House of parliament, and so materially altered, that it was not his intention to move the adoption of the amendments made by the Lords. The bill which was sent up to the Lords had been framed by a committee of that House, after an examination of a report from a committee of the House of Lords; but it now came down in so altered a state and with so many of the old regulations unrepealed, that, in his view of the subject, it would neither conduce to the public interest, nor be consistent with his duty, to proceed further with it at present.

Mr. *Calcraft* said, he did not, until that moment, know what course the right hon. gentleman intended to take. He had rather imagined, as two conferences were about to be held with the Lords, that the right hon. gentleman would have endeavoured to negative the amendments, and leave the result to a third conference. Those who opposed the bill in the other House had so torn and mutilated those fine principles, which the right hon. gentleman thought necessary for the benefit of a set of people who told him they were very well off and perfectly satisfied, that he did not wonder at his abandonment of the measure. Their lordships had altered the bill in such a way, that the right hon. gentleman could no longer agree to foster it. Indeed, it would have been impossible for him to concur in such amendments. Much difference of opinion seemed to exist amongst the members of administration. The other evening there was a difference on a pure matter of taste, and now there appeared to be a difference on a mere matter of trade. The fate of this bill would, he hoped, teach gentlemen not to introduce measures vitally affecting large bodies of the community, without fully considering and perfectly understanding the subject.

Mr. *Abercromby* said, he was extremely glad that the bill would not be allowed to pass in its amended shape. But the opportunity ought not to be suffered to go by without exposing the sort of regard that was had to the principles of justice and humanity by the parties who had altered the bill. The narrow, intolerant, and he would say ignorant, principles, on which the amendments proceeded, ought to be canvassed; for the purpose of showing that the measure as altered would be most unjust and mischievous. Individuals elsewhere had supported those amendments, on the ground, that they would secure the comfort and happiness of the class who would be affected by the bill; while it could be clearly demonstrated, that the measure, as it now stood, would create misery and distress amongst those people. It was a measure entirely on one side, and would operate against, and not in favour, of those suffering workmen. It would take away from those people that capital which formed the means by which they lived and compel them to fall back on the parish for subsistence.

Mr. *Bright* was exceedingly glad that the bill was lost; not so much on account of the principle on which is was founded, but because no inquiry had been entered into. The Lords had examined the parties interested, and the result was, that they had removed those clauses which were most relied on in that House. It would now go forth to the world, that the Commons had refused to listen to the representations of the people, while the Lords had lent a willing ear to their complaints. It was a lamentable thing, that they, the representatives of the people, would not hearken to the voice of the people, on matters which so deeply interested them. He repeated, that he was glad the bill had been defeated. The principles on which it proceeded were not, in his opinion, fitted for the complicated state of society in which they lived; and if they attempted to legislate without entertaining practical views, they would destroy the prosperity and happiness of those whom they intended to benefit.

Mr. *Gordon* regretted most sincerely that the bill had not been carried, because he thought it one of the first steps towards improving the system of legislation with respect to trade. It should be recollected, that the committee of the House of Lords, with one exception, unanimously approved of this bill; and it was merely owing to the objections of a learned lord, who had such extraordinary power over that House, that the measure was not carried. He hoped, however, that the right. hon. gentleman would again bring the bill under the consideration of the House.

Mr. Secretary *Canning* was afraid the hon. member for Bristol triumphed more at the bill in question being defeated, than he himself supposed; for he not only rejoiced at the failure of that bill, but his argument went to denounce all measures which might be introduced with the view of establishing a general system of free trade. The present bill was framed originally in conformity with those liberal principles which all professed to admire and to be guided by—although every man perhaps had desired some little exception to their application, in cases affecting himself. But, if those who attempted to introduce such principles, were to be obstructed in their endeavours by a race for popularity, the public would never derive those advantages from them which might otherwise be attained. Upon the whole, therefore, he thought, as the House of Lords had first investigated the state of the silk trade, it was better to leave the subject for the present where it originated. The object of the present bill ought to be to give satisfaction to all those concerned, but, in its amended state, it would give satisfaction to no one. He trusted however that the Lords, by devising a better measure in the next session, would give effect to their own report, and at the same time render those amendments intelligible which, in their present form, he for one confessed himself unable to understand.

Mr. *Hudson Gurney* greatly lamented that the House could not agree to the Lords Amendments, which appeared to him to go to effecting a fair compromise between the conflicting parties.

HOUSE OF LORDS.

Saturday, July 19.

THE KING'S SPEECH AT THE CLOSE OF THE SESSION.] After the royal assent had been given, by commission, to several public and private bills, a Speech of the Lords Commissioners was delivered to both Houses, by the Lord High Chancellor, as follows:

"My Lords and Gentlemen,

"We are commanded by his Majesty, in releasing you from your attendance in Parliament, to express to you his Majesty's acknowledgments for the zeal and assiduity wherewith you have applied yourselves to the several objects which his Majesty recommended to your attention at the opening of the Session.

"His Majesty entertains a confident expectation that the provisions of internal regulation which you have adopted with respect to Ireland will, when carried into effect, tend to remove some of the evils which have so long afflicted that part of the United Kingdom.

"We are commanded to assure you, that you may depend upon the firm and temperate exercise of those powers which you have intrusted to his Majesty, for the suppression of violence and outrage in that country, and for the protection of the lives and properties of his Majesty's loyal subjects.

"It is with the greatest satisfaction that his Majesty is enabled to contemplate the flourishing condition of all branches of our commerce and manufactures, and the gradual abatement of those difficulties under which the agricultural interest has so long and so severely suffered.

"Gentlemen of the House of Commons.

"We have it in command from his Majesty to thank you for the supplies which you have granted for the service of the year, and to assure you, that he has derived the sincerest pleasure from the relief which you have been enabled to afford to his people, by a large reduction of taxes.

"My Lords, and Gentlemen,

"His Majesty has commanded us to inform you, that he continues to receive from all foreign powers, the strongest assurances of their friendly disposition towards this country.

Deeply as his Majesty still regrets the failure of his earnest endeavours to prevent the interruption of the peace of Europe, it affords him the greatest consolation that the principles upon which he has acted, and the policy which he has determined to pursue, have been marked with your warm and cordial concurrence, as consonant with the interests, and satisfactory to the feelings of his people."

After which a Commission was read, for proroguing parliament to the 30th of September next.

APPENDIX.

FINANCE ACCOUNTS,

FOR THE YEAR ENDED 5TH JANUARY, 1823.

CLASS.

- I. - - - - Public Income.
- II. - - - - Public Expenditure.
- III. - - - - Consolidated Fund.
- IV. - - - - Public Funded Debt.
- V. - - - - Unfunded Debt.
- VI. - - - - Disposition of Grants.
- VII. - - - - Arrears and Balances.
- VIII. - - - - Trade and Navigation.

No. I.—An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES
IRELAND, for the Yea

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties of the Nature of Drawbacks, &c.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	14,384,710	16	10½	1,461,290	8	0¼	12,923,420	8	10
Excise	31,190,948	6	3¼	2,214,603	6	11	28,976,344	19	4
Stamps	7,106,745	0	1½	226,250	9	9	6,880,494	10	4
Taxes, under the Management of the Commissioners of Taxes	7,538,826	3	2½	21,183	0	8¾	7,517,643	2	5
Post Office	2,128,926	10	8	79,598	6	0	2,049,328	4	8
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	68,730	5	2¼	-	-	-	68,730	5	2
Hackney Coaches, and Hawkers and Pedlars	62,612	12	9	-	-	-	62,612	12	9
Crown Lands	250,059	11	3½	-	-	-	250,059	11	3
Small Branches of the King's Hereditary Revenue	13,195	0	0¾	-	-	-	13,195	0	0
Lottery; Surplus Produce, after payment of Prizes	234,000	0	0	-	-	-	234,000	0	0
Surplus Fees of Regulated Public Offices	53,872	4	8	-	-	-	53,872	4	8
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	7,870	2	8½	-	-	-	7,870	2	8
TOTAL of Ordinary Revenues	63,040,496	13	9¾	4,002,925	11	5	59,037,571	2	4
Other Resources.									
Proceeds of Old Naval Stores, per Act 3 Geo. 4. c. 127, s. 4.	151,000	0	0	-	-	-	151,000	0	0
Unclaimed Dividends, Annuities, Lottery Prizes, &c. per Act 56 Geo. 3 c. 97	1,666	5	1	-	-	-	1,666	5	1
Amount of Savings on Third Class of Civil List, in the year ended 5th January, 1821	1,119	2	3¼	-	-	-	1,119	2	3
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3. c. 34, for the Employment of the Poor	197,500	0	0	-	-	-	197,500	0	0
From several County Treasurers, and others in Ireland, on account of Advances made by the Treasury, for improving Post Roads, for building Gaols, for the Police, for Public Works, employment of the Poor, &c.	81,516	8	3¾	-	-	-	81,516	8	3
Imprest Monies, repaid by sundry Public Accountants, and other Monies paid to the Public	328,195	13	11¾	-	-	-	328,195	13	1
TOTALS, exclusive of Loans	63,801,494	3	5½	4,002,925	11	5	59,798,568	12	
Loans	11,872,155	9	2¾	-	-	-	11,872,155	9	
TOTALS of the Public Income of the United Kingdom, including Loans	75,673,649	12	8¼	4,002,925	11	5	71,670,724	1	

Whitehall Treasury Chambers,
24th March 1822.

nstituting the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN and
ded 5th January, 1823.

TOTAL INCOME, including BALANCES standing 5th Jan. 1822.			Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS Outstanding On 5th January, 1823.			TOTAL DISCHARGE of the INCOME.			Rate per cent. for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
,298,441	12	6¼	2,327,567	14	9	10 663,616	18	0¾	307,256	19	8½	13,298,441	12	6¼	10	15	2
,758,945	5	1¼	1,792,978	13	10½	27,283,408	11	5¼	1,682,557	19	9½	30,758,945	5	1¼	4	7	3
,315,952	8	0½	206,082	9	6¼	6,632,546	13	3½	477,323	5	2¾	7,315,952	8	0½	2	18	0
,933,099	10	0¾	437,646	0	8½	7,218,844	2	0	276,609	7	4¼	7,933,099	10	0¾	5	1	11
,289,955	19	4¼	640,869	4	11¾	1,428,230	15	4¼	220,855	19	0¼	2,289,955	19	4¼	23	4	2
72,994	8	10½	1,834	19	2	67,924	12	3¼	3,234	17	5¼	72,994	8	10½	2	13	5
63,525	8	11	8,844	1	1	54,580	0	0	101	7	10	63,525	8	11	14	2	6
295,866	4	4¾	265,973	3	11½	973	6	8	28,919	13	9¼	295,866	4	4¾	21	0	0
15,931	1	5¼	3,295	9	0	9,606	10	2	3,029	2	3¼	15,931	1	5¼	9	16	3
234,000	0	0	3,000	0	0	231,000	0	0	-	-	-	234,000	0	0	1	5	8
53,872	4	8	-	-	-	53,872	4	8	-	-	-	53,872	4	8		—	
7,870	2	8½	-	-	-	7,870	2	8½	-	-	-	7,870	2	8½		—	
,340,454	6	1	5,688,091	17	0½	53,652,473	16	7½	2,999,888	12	5	62,340,454	6	1	6	12	0
151,000	0	0	-	-	-	151,000	0	0	-	-	-	151,000	0	0		—	
1,666	5	1	-	-	-	1,666	5	1	-	-	-	1,666	5	1		—	
1,119	2	3¼	-	-	-	1,119	2	3¼	-	-	-	1,119	2	3¼		—	
197,500	0	0	-	-	-	197,500	0	0	-	-	-	197,500	0	0		—	
85,064	5	0½	-	-	-	82,695	3	5¼	2,369	1	7¼	85,064	5	0½		—	
328,195	13	11¾	-	-	-	328,195	13	11¾	-	-	-	328,195	13	11¾		—	
,104,999	12	5½	5,688,091	17	0½	54,414,650	1	4¾	3,002,257	14	0¼	63,104,999	12	5½		—	
,872,155	9	2¾	-	-	-	11,872,155	9	2¾	-	-	-	11,872,155	9	2¾		—	
,977,155	1	8¼	5,688,091	17	0½	66,286,805	10	7½	3,002,257	14	0¼	74,977,155	1	8¼		—	

J. C. HERRIES.

No. II.—An Account of the Ordinary Revenues and Extraordinary the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.			Re-payments, Allowances, Discounts, Drawbacks, and Bounties of the Nature of Drawbacks.			NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	12,237,251	14	0	1,236,842	13	3	11,000,409	0	9
Excise	29,312,391	7	0½	2,172,133	18	3	27,140,257	8	9½
Stamps	6,634,722	19	7½	216,849	1	9¾	6,417,873	17	9¾
Taxes under the management of the Commissioners of Taxes	7,260,998	15	7¾	8,915	11	2¾	7,252,083	4	5
Post Office	1,942,902	6	10¾	61,357	14	1¼	1,881,544	12	9½
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shillings in the Pound on Pensions	68,730	5	2¼	-	-	-	68,730	5	2¼
Hackney Coaches, and Hawkers and Pedlars	62,612	12	9	-	-	-	62,612	12	9
Crown Lands	250,059	11	3½	-	-	-	250,059	11	3½
Small Branches of the King's Hereditary Revenue	13,195	0	0¾	-	-	-	13,195	0	0¾
Lottery, Surplus Produce after Payment of Prizes	234,000	0	0	-	-	-	234,000	0	0
Surplus Fees of Regulated Public Offices	53,872	4	8	-	-	-	53,872	4	8
TOTAL of Ordinary Revenues	58,070,736	17	2	3,696,098	18	7¾	54,374,637	18	6¼
Other Resources.									
Proceeds of Old Naval Stores, per Act 3 Geo. 4, c. 127, s. 4	151,000	0	0	-	-	-	151,000	0	0
Unclaimed Dividends, Annuities, Lottery Prizes &c. per Act 56 Geo 3, c. 97	1,666	5	1	-	-	-	1,666	5	1
Amount of Savings on 3rd Class of Civil List in the Year ended 5th January 1821	1,119	2	3¼	-	-	-	1,119	2	3¼
From the Commissioners for the Issue of Exchequer Bills, per Act 57 Geo. 3, c. 34, for the Employment of the Poor	197,500	0	0	-	-	-	197,500	0	0
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	248,319	13	7	-	-	-	248,319	13	7
TOTALS (exclusive of Loans)	58,670,341	18	1¼	3,696,098	18	7¾	54,974,242	19	5½
Loans	11,708,617	0	0	-	-	-	11,708,617	0	0
TOTALS of the Public Income of Great Britain, including Loans	70,378,958	18	1¼	3,696,098	18	7¾	66,682,859	19	5½

Whitehall Treasury Chambers,
24th March, 1825.

Resources, constituting the PUBLIC INCOME of Great Britain› for 5th January, 1823.

TOTAL INCOME, including BALANCES Outstanding 5th Jan. 1822.			Charges of Collection and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1823.			TOTAL DISCHARGE of the INCOME.			Rate per cent. for which the Gross Receipt was Collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
11,332,256	17	7½	1,669,401	18	7¾	9,397,113	10	6½	265,741	8	5¼	11,332,256	17	7½	8	17	11
28,834,606	18	2	1,478,690	12	4	25,747,441	0	0	1,608,475	5	10	28,834,606	18	2	3	16	5
6,736,711	17	6½	168,388	15	1¼	6,208,552	9	1	359,770	13	4¼	6,736,711	17	6½	2	10	9
7,650,540	11	4	386,179	6	10¼	6,994,007	12	1¾	270,353	12	4	7,650,540	11	4	4	11	8
2,080,204	6	11$\frac{1}{12}$	546,330	8	1	1,359,000	0	0	174,873	18	10$\frac{1}{12}$	2,080,204	6	11$\frac{1}{12}$	25	14	3
72,994	8	10½	1,834	19	2	67,924	12	3¼	3,234	17	5¼	72,994	8	10½	2	13	5
63,525	8	11	8,844	1	1	54,580	0	0	101	7	10	63,525	8	11	14	2	6
295,866	4	4¾	265,973	3	11½	973	6	8	28,919	13	9¼	295,866	4	4¾	21	0	0
15,931	1	5¼	3,295	9	0	9,606	10	2	3,029	2	3¼	15,931	1	5¼	9	16	3
234,000	0	0	3,000	0	0	231,000	0	0	-	-	-	234,000	0	0	1	5	8
53,872	4	8	-	-	-	53,872	4	8	-	-	-	53,872	4	8	-		-
57,370,509	19	10$\frac{7}{12}$	4,531,938	14	2¾	50,124,071	5	6½	2,714,500	0	1$\frac{4}{12}$	57,370,509	19	10$\frac{7}{12}$	5	12	10
151,000	0	0	-	-	-	151,000	0	0	-	-	-	151,000	0	0		—	
1,666	5	1	-	-	-	1,666	5	1	-	-	-	1,666	5	1		—	
1,119	2	3¼	-	-	-	1,119	2	3¼	-	-	-	1,119	2	3¼		—	
197,500	0	0	-	-	-	197,500	0	0	-	-	-	197,500	0	0		—	
248,319	13	7	-	-	-	248,319	13	7	-	-	-	248,319	13	7		—	
57,970,115	0	9$\frac{10}{12}$	4,531,938	14	2¾	50,723,676	6	5¾	2,714,500	0	1$\frac{4}{12}$	57,970,115	0	9$\frac{10}{12}$		—	
11,708,617	0	0	-	-	-	11,708,617	0	0	-	-	-	11,708,617	0	0		—	
69,678,732	0	9$\frac{10}{12}$	4,531,938	14	2¾	62,432,293	6	5¾	2,714,500	0	1$\frac{4}{12}$	69,678,732	0	9$\frac{10}{12}$		—	

J. C. HERRIES.

No. III.—An Account of the Ordinary Revenues and Extraordinary ended 5th

HEADS OF REVENUE.	GROSS RECEIPT. £.	s.	d.	Repayments, Drawbacks, Discounts, &c. £.	s.	d.	NETT RECEIPT within the Year, after deducting REPAYMENTS, &c. £.	s.	d.
Ordinary Revenues.									
Customs	2,147,459	2	10½	224,447	14	9¼	1,923,011	8	1
Excise	1,878,556	19	2⅞	42,469	8	8	1,836,087	10	6
Stamps	472,022	0	6	9,401	7	11¼	462,620	12	6
Taxes	277,827	7	6¾	12,267	9	6	265,559	18	0
Post Office	186,024	3	9¼	18,240	11	10¾	167,783	11	10
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	7,870	2	8½	-	-	-	7,870	2	8
TOTAL of Ordinary Revenues	4,969,759	16	7⅞	306,826	12	9¼	4,662,933	3	10
Other Resources.									
From the Provost and Fellows of Trinity College, on account of Advances made by the Treasury for completing the North Square of the said College	1,107	13	10¼	-	-	-	1,107	13	10
From several County Treasurers, and others:									
On Account of Advances made by the Treasury for improving Post Roads in Ireland, under Act 45 Geo. 3, c. 43	14,549	8	1	-	-	-	14,549	8	1
On Account of Advances made by the Treasury for building Gaols, under Act 50 Geo. 3, c. 103	17,420	17	6¾	-	-	-	17,420	17	6
On Account of Advances made by the Treasury, under the Police Act of 55 Geo. 3	39,942	19	4½	-	-	-	39,942	19	4
On Account of Advances made by the Treasury for Public Works and Employment of the Poor, under Acts 57 Geo. 3, c. 34 and 124	8,326	4	9¾	-	-	-	8,326	4	9
On Account of Advances to the Board of Health, under Act 58 Geo. 3, c. 47	169	4	7½	-	-	-	169	4	7
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public	79,876	0	4¾	-	-	-	79,876	0	4
TOTALS, exclusive of Loans	5,131,152	5	4⅜	306,826	12	9¼	4,824,325	12	7
Loans	163,538	9	2¾	-	-	-	163,538	9	2
TOTALS of the Public Income of Ireland, including Loans	5,294,690	14	7⅛	306,826	12	9¼	4,987,864	1	9

Whitehall Treasury Chambers,
24th March, 1823.

Resources, constituting the PUBLIC INCOME of Ireland, for the Year
January, 1823.

TOTAL INCOME, including BALANCES, outstanding 5th Jan. 1822.			Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 5th January, 1823.			TOTAL DISCHARGE of the INCOME.			Rate per cent. for which the Gross Receipt was Collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1,966,184	14	10¾	658,165	16	1¼	1,266,503	7	6¼	41,515	11	3¼	1,966,184	14	10¾	21	7	6
1,924,338	6	11¼	314,288	1	6½	1,535,967	11	5¼	74,082	13	11½	1,924,338	6	11¼	12	16	0
579,240	10	6	37,693	14	5	423,994	4	2½	117,552	11	10½	579,240	10	6	7	19	8
282,558	18	8¾	51,466	13	10¼	224,836	9	10¼	6,255	15	0¼	282,558	18	8¾	18	10	6
209,751	12	5¼	94,538	16	10¾	69,230	15	4¼	45,982	0	2¼	209,751	12	5¼	50	16	5
7,870	2	8½	-	-	-	7,870	2	8½	-	-	-	7,870	2	8½	—		
4,969,944	6	2½	1,156,153	2	9¾	3,528,402	11	1	285,388	12	3¾	4,969,944	6	2½	17	15	5
1,107	13	10¼	-	-	-	1,107	13	10¼	-	-	-	1,107	13	10¼	—		
14,549	8	1	-	-	-	14,549	8	1	-	-	-	14,549	8	1	—		
20,968	14	3½	-	-	-	18,599	12	8¼	2,369	1	7¼	20,968	14	3½	—		
39,942	19	4½	-	-	-	39,942	19	4½	-	-	-	39,942	19	4½	—		
8,326	4	9¾	-	-	-	8,326	4	9¾	-	-	-	8,326	4	9¾	—		
169	4	7½	-	-	-	169	4	7½	-	-	-	169	4	7½	—		
79,876	0	4¾	-	-	-	79,876	0	4¾	-	-	-	79,876	0	4¾	—		
5,134,884	11	7¾	1,156,153	2	9¾	3,690,973	14	11	287,757	13	11	5,134,884	11	7¾	—		
163,538	9	2¾	-	-	-	163,538	9	2¾	-	-	-	163,538	9	2¾	—		
5,298,423	0	10½	1,156,153	2	9¾	3,854,512	4	1¾	287,757	13	11	5,298,423	0	10½	—		

J. C. HERRIES.

No. IV.—An Account of the TOTAL INCOME of the Revenue of Great Br
Repayments, Allowances, Discounts, Drawbacks, and Bounties of the nature
DITURE of the United Kingdom, exclusive of the Sums ap-

HEADS OF REVENUE.	NETT RECEIPT, as stated in Account of Public Income.			——		
ORDINARY REVENUES.	£.	s.	d.	£.	s.	d.
Balances and Bills Outstanding on 5th January, 1822	.	.	.	3,302,883	3	8¾
Customs	12,923,420	8	10¼			
Excise	28,976,344	19	4¼			
Stamps	6,880,494	10	4½			
Taxes under the management of the Commissioners of Taxes, including Arrears of Property Tax	7,517,643	2	5¾			
Post Office	2,049,328	4	8			
One Shilling and Sixpence Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions	68,730	5	2¼			
Hackney Coaches, and Hawkers and Pedlars	62,612	12	9			
Crown Lands	250,059	11	3½			
Small Branches of the King's Hereditary Revenue	13,195	0	0¾			
Surplus Produce of Lottery, after Payment of Lottery Prizes	234,000	0	0			
Surplus Fees of regulated Public Offices	53,872	4	8			
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	7,870	2	8½			
				59,037,571	2	4¾
				62,340,454	6	1
Deduct Balances and Bills outstanding 5th January, 1823	.	.	.	2,999,888	12	5
Total Ordinary Revenues	.	.	.	59,340,565	13	8
OTHER RESOURCES.						
Balances outstanding on 5th January, 1822	3,547	16	8¾			
Proceeds of Old Naval Stores	151,000	0	0			
Money received from the Bank of England, more than repaid to them, on account of Unclaimed Dividends	1,666	5	1			
The Amount of Savings on 3rd Class of the Civil List, at the 5th January, 1821	1,119	2	3¼			
Money paid into the Exchequer, by the Commissioners for issuing Bills for Public Works	197,500	0	0			
Money repaid in Ireland, on account of Advances from the Consolidated Fund, under various Acts for Public Improvement	81,516	8	3¾			
Imprest and other Monies paid into the Exchequer	328,195	13	11¾			
	764,545	6	4½			
Deduct Balances and Bills outstanding on 5th January, 1823	2,369	1	7¼			
				762,175	4	9¼
				60,102,740	18	5¼
Balances, &c. in the hands of Receivers, &c. at 5th January, 1822				3,302,883	3	8¾
Ditto Ditto				3,547	16	8¾
				3,306,431	0	5
Ditto 5th January, 1823	2,999,888	12	5			
Ditto Ditto	2,369	1	7¼			
				3,002,257	14	0¼
Balances less in 1823 than in 1822				304,173	6	4¾
Surplus Income paid into the Exchequer, over Expenditure issued thereout				4,915,519	19	9¾
Actual Excess of Income above Expenditure				4,611,346	13	5

TAIN and IRELAND, in the Year ended 5th January, 1823, after deducting the of Drawbacks; together with an Account of the PUBLIC EXPEN- plied to the Reduction of the National Debt within the same period.

EXPENDITURE.	——			——		
PAYMENTS OUT OF THE INCOME in its progress to the Exchequer:	£.	s.	d.	£.	s.	d.
Charges of Collection	4,160,270	16	10¾			
Other Payments	1,527,821	0	1¾			
Total Payments out of the Income, prior to the Payments into the Exchequer	.	.	.	5,688,091	17	0½
PAYMENTS OUT OF EXCHEQUER.						
Dividend, Interest, and Management of the Public Funded Debt, four Quarters to 10th Oct. 1822, exclusive of 15,811,710*l.* 12*s.* 9*d.* issued to the Commissioners for the Reduction of the National Debt	29,490,897	4	2½			
Interest on Exchequer Bills and Irish Treasury Bills, exclusive of 301,250*l.* for Sinking Fund	1,430,596	16	10½			
				30,921,494	1	1
Issued to the Trustees of Military and Naval Pensions, per Act 3 Geo. 4, c. 51	.	.	.	1,400,000	0	0
Civil List . . 4 Quarters to 5th Jan. 1823	1,057,000	0	0			
Pensions charged by Act of Parliament upon Consolidated Fund 4 Quarters to 10th Oct. 1822	378,432	5	1¾			
Salaries and Allowances . . Ditto	72,953	10	2½			
Officers of Courts of Justice . . Ditto	83,377	12	5¼			
Expenses of the Mint . . Ditto	14,750	0	8			
Bounties . . . . Ditto	2,956	13	8			
Miscellaneous . . . Ditto	183,716	7	5			
Ditto Ireland . . Ditto	248,253	6	9½			
				2,041,439	16	4
Army	7,698,973	16	6½			
Navy	4,945,642	2	11¾			
Navy Treasurer of Greenwich Hospital, to pay Out-Pensioners	248,000	0	0			
Ordnance	1,007,821	1	5¼			
Miscellaneous	2,105,797	3	3¼			
	16,006,234	4	2¾			
Deduct the Sum issued to the Trustees of Military and Naval Pensions, being charged in the above Issues of Supplies	1,400,000	0	0			
				14,606,234	4	2¾
Bank of Ireland, Balance due for Advances for Commercial Credit	105,181	9	4¾			
Interest on Advances made on the credit of the Loan, from the Sinking Fund in Ireland, 1821	6,546	9	7½			
By the Commissioners for issuing Exchequer Bills under Act 57 Geo. 3, c. 34, and 124, for the Employment of the Poor	34,500	0	0			
Advances out of the Consolidated Fund in Ireland, for Public Works	383,734	0	11			
				529,961	19	11¼
Total Expenditure, exclusive of the Sums applied to the Reduction of the National Debt				55,187,221	18	7½
Surplus of Income paid into the Exchequer, over Expenditure thereout				4,915,519	19	9¼
				60,102,741	13	5¼

Whitehall Treasury Chambers,
25th March, 1823.

S. R. LUSIHNGTON.

No. II.—An Account of the Nett PUBLIC INCOME of the United Kingdom of the Expenditure thereout, defrayed by the several Revenue Depart- exclusive of the Sums applied to the Redemption

INCOME.	Applicable to the Consolidated Fund.			Applicable to other Public Services.			Income paid into the Exchequer.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs	7,993,937	8	5½	2,669,679	9	7	10,663,616	18	0½
Excise	25,921,770	5	11¼	1,361,638	5	6	27,283,408	11	5¼
Stamps	6,632,546	13	3½	.	.	.	6,632,546	13	3½
Taxes under the management of the Commissioners of Taxes, including Arrears of Property Tax	7,216,262	1	7¼	2,582	0	5	7,218,844	2	0¼
Post Office	1,428,230	15	4¾	.	.	.	1,428,230	15	4¾
One Shilling and Sixpence Duty on Pensions and Salaries; and Four Shillings in the Pound on Pensions	67,924	12	3¼	.	.	.	67,924	12	3¼
Hackney Coaches, and Hawkers and Pedlars	54,580	0	0	.	.	.	54,580	0	0
Crown Lands	973	6	8	.	.	.	973	6	8
Small Branches of the King's Hereditary Revenues	9,606	10	2	.	.	.	9,606	10	2
Surplus Produce of Lottery, after Payment of Lottery Prizes	.	.	.	231,000	0	0	231,000	0	0
Surplus Fees, regulated Public Offices	53,872	4	8	.	.	.	53,872	4	8
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees	7,870	2	8¾	.	.	.	7,870	2	8¾
Total Ordinary Revenue	.	.	.	.	.	.	53,652,473	16	8¼
Proceeds of Old Naval Stores	.	.	.	151,000	0	0	151,000	0	0
Money received from the Bank of England more than repaid to them, on account of unclaimed Dividends	.	.	.	1,666	5	1	1,666	5	1
The Amount of Savings on 3rd Class of the Civil List, at the 5th January, 1821	1,119	2	3¼	.	.	.	1,119	2	3¼
Money paid into the Exchequer by the Commissioners for issuing Bills for Public Works	.	.	.	197,500	0	0	197,500	0	0
Money repaid in Ireland on Account of Advances from the Consolidated Fund, under various Acts for Public Improvement	82,695	3	5¼	.	.	.	82,695	3	5¼
Imprest and other Monies paid into the Exchequer	306,322	7	0½	21,873	6	11¼	328,195	13	11¾
Total paid into the Exchequer	49,777,710	13	11¼	4,636,939	7	6¼	54,414,650	1	5½

Whitehall Treasury Chambers, 25th March, 1823.

GREAT BRITAIN and IRELAND, in the Year ended 5th January, 1823, after abating
ments, and of the Actual Issues or Payments within the same period,
of Funded Debt, or for paying off Unfunded Debt.

EXPENDITURE.				Nett Expenditure.		
	£.	s.	d.	£.	s.	d.
Dividends, Interest and Management of the Public Funded Debt, 4 quarters to 10th Oct. 1822, exclusive of 15,811,710*l.* 12*s.* 9*d.* issued to the Commissioners for the Reduction of the National Debt	29,490,897	4	2½			
Interest on Exchequer Bills and Irish Treasury Bills, exclusive of 301,250*l.* Sinking Fund	1,430,596	16	10½	30,921,494	1	1
Issued to the Trustees of Military and Naval Pensions, per Act 3rd Geo. 4, c. 51	.	.	.	1,400,000	0	0
Civil List, 4 quarters to 5th January, 1823	1,057,000	0	0			
Pensions charged by Act of Parliament, upon Consolidated Fund, 4 quarters, to 10th Oct. 1822	378,432	5	1¾			
Salaries and Allowances . . Ditto	72,953	10	2½			
Officers of Courts of Justice . . Ditto	83,377	12	5¼			
Expenses of the Mint . . . Ditto	14,750	0	8			
Bounties . . . . Ditto	2,956	13	8			
Miscellaneous . . . . Ditto	183,716	7	5			
Ditto Ireland . . . Ditto	248,253	6	9½	2,041,439	16	4
Army	7,698,975	16	6½			
Navy	4,945,642	2	11¾			
Navy Treasurer of Greenwich Hospital to pay Out-Pensions	248,000	0	0			
Ordnance	1,007,821	1	5¼			
Miscellaneous	2,105.797	3	3¼			
	16,006,234	4	2¾			
Deduct the Sum issued to the Trustees of Military and Naval Pensions, being charged in the above Issues for Supplies	1,400,000	0	0	14,606,234	4	2¾
Total	.	.	.	48,969,168	1	7¾
Bank of Ireland—Balance due for Advances for Commercial Credit	105,181	9	4¾			
Interest on Advances made on the Credit of the Loan from the Sinking Fund in Ireland, 1821	6,546	9	7½			
By the Commissioners for issuing Exchequer Bills under 57 Geo. 3, c. 34 & 124, for the employment of the Poor	34,500	0	0			
Advances out of the Consolidated Fund in Ireland, for Public Works	383,734	0	11	529,961	19	11¼
Total				49,499,130	1	7
Surplus of Income paid into the Exchequer over Expenditure thereout				4,915,519	19	10½
				54,414,650	1	5½

S. R. LUSHINGTON.

No. III.—An Account of the BALANCE of PUBLIC MONEY remaining in the to the FUNDED or UNFUNDED DEBT, in the Year ended 5th January, or for paying off the Unfunded Debt, within the same period; and

	£.	s.	d.	£.	s.	d.	£.	s.	d.
Balances in the Exchequer on the 5th January, 1822							6,019,064	9	2
MONEY RAISED In the Year ended 5th January, 1823, by the creation of Funded or Unfunded Debt.									
FUNDED DEBT.									
Contributions to Loan per Act 1 & 2 Geo. 4, c. 70	6,100,000	0	0						
Do. Ireland Do.	163,538	9	2¾						
Do. . . 3 Geo. 4, c. 73	5,100,000	0	0						
Money from the East India Company Do. 93	508,617	0	0						
				11,872,155	9	2¾			
UNFUNDED DEBT.									
Exchequer Bills issued per Act 1 & 2 Geo. 4. c. 71	10,441,300	0	0						
Do. . . 3 — 8	20,000,000	0	0						
Do. . . — 122	10,007,100	0	0						
Do. Public Works . 57 Geo. 3, c. 34 & 124	34,500	0	0						
Do. Churches . 58 — 45	109,650	0	0						
				40,592,550	0	0			
							52,464,705	9	2¼
TOTAL							58,483,769	18	5½
Excess of Income paid into the Exchequer, over Expenditure defrayed thereout...........							4,915,519	19	10½
							63,399,289	18	4

Whitehall Treasury Chambers, 25th March, 1823.

EXCHEQUER on the 5th of January, 1822; the amount of Money raised by additions
1823; the Money applied towards the Redemption of the Funded,
the Money remaining in the Exchequer on the 5th January, 1823.

APPLIED BY
The Commissioners for the Reduction of the National Debt,
in the Redemption of Funded Debt.

	£. s. d.	£. s. d.	£. s. d.
Sinking Fund Interest on Redeemed			
Funded Debt	15,811,710 12 9		
Unfunded Debt	301,250 0 0	16,112,960 12 9	
Navy 5 per cent. Annuities paid off			
In Great Britain ...	2,737,359 0 10		
Ireland	39,000 0 0	2,776,359 0 10	
Applied towards Redemption of Funded Debt.................... ..		- - -	18,889,319 13 7

UNFUNDED DEBT.

	£. s. d.	£. s. d.
Issued to the Paymasters of Exchequer Bills to pay off		
Unfunded Debt	35,537,950 0 0	
Irish Treasury Bills	1,000,000 0 0	
TOTAL Unfunded Debt paid off................ ..	- - -	36,537,950 0 0
		55,427,269 13 7
Balances at 5th January, 1823	7,797,020 4 9	
Do. to the Account of the Trustees of Military and Naval Pensions, towards payments becoming due from them on 15th January, 1823..	175,000 0 0	7,972,020 4 9
		63,399,289 18 4

S. R. LUSHINGTON.

No. I.—An Account of the Income of the CONSOLIDATED FUND arising in the 1823; and also of the Actual Payments on account

	£.	s.	d.
The Total Income applicable to Consolidated Fund	49,777,710	13	11¼
	49,777,710	13	11¼

Whitehall Treasury Chambers, 25th March, 1823.

No. II.—An Account of the Money applicable to the Payment of the Charge of the 1823, and of the several Charges which have become due thereon, charged upon the said Fund, at the commence-

	£.	s.	d.	£.	s.	d.
Income arising in Great Britain				46,086,736	18	11½
Income arising in Ireland	3,690,973	14	11¾			
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January, 1822	368,619	12	2			
	4,059,593	7	1¾			
Deduct the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January, 1823	89,628	17	5¼			
Total applicable to the Charge of the Consolidated Fund, in the Year ended 5th January, 1823				3,969,964	9	8½
To Cash brought to this Account, to discharge the Exchequer Bills deposited in the Tellers Chest, previously to the 5th January, 1822, pursuant to Act 59 Geo. 3, c. 19, and then remaining in the Tellers Chest				1,437,000	0	0
Exchequer Bills to be issued to complete the payment of the Charge, to the 5th January, 1823				5,928,354	13	3
				57,422,056	1	11

Whitehall Treasury Chambers, 25th March, 1823.

United Kingdom of GREAT BRITAIN and IRELAND, in the Year ended 5th January, of the CONSOLIDATED FUND within the same Year.

HEADS OF PAYMENT.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 10th October, 1822	45,302,607	16	11½
Sinking Fund Irish Treasury Bills	11,250	0	0
Interest on Exchequer Bills issued upon the Credit of the Consolidated Fund	124,187	12	7½
Trustees for Naval and Military Pensions, per Act 3 Geo. 4, c. 51	1,400,000	0	0
Civil List, 4 Quarters to 5th January, 1823	1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 10th October 1822	378,432	5	1¾
Salaries and Allowances . . . . . . do.	72,953	10	2½
Officers of Courts of Justice . . . . do.	83,377	12	5¼
Expenses of the Mint . . . . . . do.	14,750	0	8
Bounties . . . . do.	2,956	13	8
Miscellaneous . . . . do.	183,716	7	5
Do. Ireland . . . . . . do.	248,253	6	9½
Advances out of the Consolidated Fund in Ireland, for Public Works	383,734	0	11
Interest on Advances made by the Bank of Ireland, on Sinking Fund Loan, 1821	6,546	9	7½
	49,269,765	16	5½
SURPLUS of the CONSOLIDATED FUND	507,944	17	5¾
	49,777,710	13	11¼

S. R. LUSHINGTON.

CONSOLIDATED FUND of the United Kingdom, in the Year ended 5th January, in the same Year, including the Amount of EXCHEQUER BILLS ment and at the termination of the Year.

HEADS OF CHARGE.	£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 5th January, 1823	44,570,638	17	0½
Interest on Exchequer Bills issued upon the Credit of the Consolidated Fund	87,925	5	1½
Sinking Fund Irish Treasury Bills	10,000	0	0
Trustees Naval and Military Pensions, per Act 3 Geo. 4, c. 51	1,400,000	0	0
Civil List, 4 Quarters to 5th January, 1823	1,057,000	0	0
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 5th January, 1823	375,243	4	1½
Salaries and Allowances . . . . do.	73,005	5	4¼
Officers of Courts of Justice . . . . . do.	89,861	15	8½
Expenses of the Mint . . . . do.	14,750	0	8
Bounties . . . . do.	2,956	13	8
Miscellaneous . . . . do.	190,196	9	11
Do. Ireland . . . . . . do.	238,894	14	11¾
Advances out of the Consolidated Fund in Ireland, for Public Works	383,734	0	10
Interest on Advances by the Bank of Ireland, on Sinking Fund Loan, 1821	6,546	9	7½
	48,500,752	17	0½
Exchequer Bills issued to make good the Charge of Consolidated Fund to the 5th January, 1822 (including £.1,437,000 issued from the Consolidated Fund, towards the Supplies, and for which Sum, Exchequer Bills not bearing Interest, are deposited in the Tellers Chest)	8,921,303	4	10½
	57,422,056	1	11

S. R. LUSHINGTON.

An Account of the State of the PUBLIC FUNDED DEBTS of Great Britain the Debt created by

DEBT.

	1. CAPITALS.			2. CAPITALS redeemed and transferred to the Commissioners.			3. CAPITALS UNREDEEMED.		
IN GREAT BRITAIN.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Debt due to the South Sea Company . . . } at £.3 per cent	3,662,784	8	6	.	.	.	3,662,784	8	6
Old South Sea Annuities . Do. ..	4,795,870	2	7	157,000	0	0	4,638,870	2	7
New South Sea Annuities . . Do. ..	3,219,330	2	10	53,000	0	0	3,166,330	2	10
South Sea Annuities, 1751 . Do. ..	735,600	0	0	11,000	0	0	724,600	0	0
Debt due to the Bank of England Do. ..	14,686,800	0	0	. .	.	.	14,686,800	0	0
Bank Annuities, created in 1726 Do. ..	1,000,000	0	0	1,641	19	10	998,358	0	2
Consolidated Annuities . . Do. ..	376,045,172	18	6	10,269,286	16	5	365,775,886	2	1
Reduced Annuities . . . Do. ..	136,321,680	19	8	2,910,569	1	3	133,411,111	18	5
Total at £.3 per cent	540,467,238	12	1	13,402,497	17	6	527,064,740	14	7
Annuities . . at £.3½ per cent ..	16,296,440	14	2	197,700	0	0	16,098,740	14	2
Consolidated Annuities £.4 Do. ..	74,962,645	12	4	118,784	14	3	74,843,860	18	1
New £.4 per cent Annuities	147,200,668	2	0	199,599	13	5	147,001,068	8	7
£.5 per cents 1797 and 1802..............	1,013,668	12	4	5,060	5	11	1,008,608	6	5
Great Britain	779,940,661	12	11	13,923,642	11	1	766,017,019	1	10
IN IRELAND.									
(In British Currency.)									
Debt due to the Bank of Ireland, at £.4 per cent	1,615,384	12	4	.	.	.	1,615,384	12	4
Do. . Do. at £.5 Do.	1,015,384	12	4	.	.	.	1,015,384	12	4
£.3½ per cent Debentures and Stock	20,466,733	9	3	7,827,841	13	10	12,638,896	15	5
£.4 per cent Do. Do.	1,024,580	10	4	163,338	9	3	861,242	1	1
New £.4 per cent Do. Do.	9,658,385	8	8	.	.	.	9,658,385	8	8
Ireland	33,780,473	12	11	7,991,180	3	1	25,789,293	9	10
Total United Kingdom	813,721,135	5	10	21,914,822	14	2	791,806,312	11	8

	———				STOCK.		
	£.	s.	d.		£.	s.	d.
Note.—THE above Columns, 1 & 2, show the Totals of Debt for the United Kingdom, after deducting the Stock directed to be cancelled by various Acts of Parliament; viz.							
To provide for the Charge of Loans, and by redemption of Land Tax, at the 5th January, 1822	. .	.	..		352,035,839	14	5
Directed to be cancelled by Acts of the year, 1822, to provide for the Charge of Military and Naval Pensions and Superannuations; for Interest of Unredeemed East India Debt incorporated with Great Britain; and for the Charge of Sinking Fund Loan, 1822	102,227,572	0	0	3 per cts.			
	5,078,000	0	0	3½ per cts.			
	107,305,572	0	0				
For redemption of Land Tax	90,935	7	6	3 per cts.			
					107,396,507	7	6
					459,432,347	1	11

and Ireland, and of the Charge thereupon at the 5th of January, 1823, including 7,500,000*l.* raised in 1822.

CHARGE.

	—	IN GREAT BRITAIN, including PORTUGAL.			IN IRELAND. (In British Currency.)			TOTAL ANNUAL CHARGE.		
		£.	s.	d.	£.	s.	d.	£.	s.	d.
Sinking Fund	Annual Grants	1,200,000	0	0	62,445	5	7			
	Expired Annuities	79,880	14	6	66,616	6	6			
	Exchequer Life Annuities, Unclaimed and Expired	51,999	3	1	—					
	Per centage on Capitals created by Loans	11,504,877	16	8	266,441	11	8			
	Annual Interest on Stock redeemed	421,982	16	6	280,507	19	11			
	Long Annuities	11,798	7	6	—					
		13,270,538	18	3	676,011	3	8			
Due to the Public Creditor	Annual Interest on Unredeemed Debt	25,299,625	15	0	978,531	1	11			
	Long Annuities, expire 1860	1,347,637	11	2	—					
	Life Annuities, payable at the Exchequer	28,944	10	5	—					
	Do. Irish Life Annuities	35,461	7	9	7,127	10	9			
		26,711,669	4	4	985,658	12	8			
Management		282,388	19	10	660	0	0			
		26,994,058	4	2	986,318	12	8			
		40,264,597	2	5	1,662,329	16	4	41,926,926	18	9
The Trustees of Military and Naval Pensions and Civil Superannuations		2,800,000	0	0	-	-	-	2,800,000	0	0
Total United Kingdom		43,064,597	2	5	1,662,329	16	4	44,726,926	18	9

ACCOUNT—*continued.*

DEBT.				CHARGE.		
LOANS FOR THE EMPEROR OF GERMANY, FUNDED IN GREAT BRITAIN.	CAPITALS.	CAPITALS redeemed and transferred to the Commissioners.	CAPITALS unredeemed.	—	—	ANNUAL CHARGE.
	£. s. d.	£. s. d.	£. s. d.		£. s. d.	£. s. d.
Imperial Annuities, £.3 per cent	7,502,633 6 8	2,778,801 3 0	4,723,832 3 8	Sinking Fund { Per centage on Capital created by Loan, 1797	36,693 0 0	
				Sinking Fund { Annual Interest on Stock redeemed	83,364 0 8	
						120,057 0 8
				Due to the Public Creditor { Annual Interest on Unredeemed Debt	141,714 19 3	
				Management	1,605 15 9	
						143,320 15 0
						263,377 15 8

ABSTRACT.

—	CAPITALS.	CAPITALS redeemed and transferred to the Commissioners.	CAPITALS unredeemed.	ANNUAL CHARGE. Due to the Public Creditor.	ANNUAL CHARGE. MANAGEMENT.	ANNUAL CHARGE. SINKING FUND.	ANNUAL CHARGE. TOTAL.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Great Britain	779,940,661 12 11	13,923,642 11 1	766,017,019 1 10	26,711,669 4 4	282,388 19 10	13,270,538 18 3	40,264,597 2 5
Ireland	33,780,473 12 11	7,991,180 3 1	25,789,293 9 10	985,658 12 8	660 0 0	676,011 3 8	1,662,329 16 4
Germany	7,502,633 6 8	2,778,801 3 0	4,723,832 3 8	141,714 19 3	1,605 15 9	120,057 0 8	263,377 15 8
	821,223,768 12 6	24,693,623 17 2	796,530,144 15 4	27,839,042 16 3	284,654 15 7	14,066,607 2 7	42,190,304 14 5
The Trustees of Military and Naval Pensions and Civil Superannuations				2,800,000 0 0	- - -	- - -	2,800,000 0 0
				30,639,042 16 3	284,654 15 7	14,066,607 2 7	44,990,304 14 5

National Debt Office,
22nd March, 1823.

S. HIGHAM, Compt. Gen.

An Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND, and of the Demands outstanding on the 5th January, 1823.

———	PROVIDED.			UNPROVIDED.			TOTAL.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Exchequer Bills	1,337,000	0	0	34,944,150	0	0	36,281,150	0	0
Sums remaining unpaid, charged upon Aids granted by Parliament	4,591,592	11	7¾	-	-	-	4,591,592	11	7¾
Advances made out of Consolidated Fund in Ireland, towards Supplies which are to be repaid to Consolidated Fund, out of Ways and Means in Great Britain	613,027	18	3½	-	-	-	613,027	18	3½
TOTAL Unfunded Debt, and Demands outstanding	6,541,620	9	11¼	34,944,150	0	0	41,485,770	9	11¼
Ways and Means	7,010,668	7	9¾	—			—		
SURPLUS Ways and Means	469,047	17	10½	—			—		
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund	-	-	-	5,928,354	13	3	5,928,354	13	3

Whitehall Treasury Chambers,
25th March, 1823.

S. R. LUSHINGTON.

An Account showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1822, have been disposed of; distinguished under their several Heads; to 5th January, 1823.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
NAVY	5,398,425	2	11	3,818,581	11	4
ORDNANCE	1,281,398	2	6	759,429	9	1½
FORCES	7,755,042	4	10¾	6,262,304	0	1¼
For defraying the CHARGE of the CIVIL ESTABLISHMENTS under-mentioned; viz.						
Of Sierra Leone; from the 1st of January to the 31st of Dec. 1822.	22,176	12	10½	20,000	0	0
Ditto...... New South Wales......from Ditto to Ditto	13,347	2	6	7,000	0	0
Ditto...... Newfoundland ....from Ditto to Ditto	6,488	10	0	4,000	0	0
Ditto...... Prince Edward's Island from Ditto to Ditto	3,520	15	0	3,520	15	0
Ditto...... New Brunswick ......from Ditto to Ditto	6,757	10	0	3,000	0	0
Ditto...... Nova Scotia ....from Ditto to Ditto	14,098	17	6	8,000	0	0
Ditto...... Upper Canada ....from Ditto to Ditto	11,992	10	0	5,000	0	0
Ditto...... Dominica ....from Ditto to Ditto	600	0	0	300	0	0
Of the Bahama Islands, in addition to the Salaries now paid to the Public Officers out of the Duty Fund, and the incidental Charges attending the same	3,506	17	6	3,506	17	6
To pay off and discharge such of the Proprietors of Navy 5 per cent. Annuities, and of Irish 5 per cent. Annuities, payable at the Bank of England, as have signified their dissent to receive 4 pounds per cent. Annuities in lieu thereof	2,700,000	0	0	2,700,000	0	0
Royal Military College; from the 25th of December, 1821, to the 24th of December, 1822	13,662	1	7	10,112	14	11
Charge of the Royal Military Asylum; for the same time	26,149	14	6	17,290	15	7
For paying Interest on Exchequer Bills, Irish Treasury Bills, and Mint Notes; for 1822	1,200,000	0	0	1,200,000	0	0
To be issued to the Commissioners for the Reduction of the National Debt; for 1822, in respect of Exchequer Bills	290,000	0	0	217,500	0	0
Works and Repairs of Public Buildings; for 1822	40,000	0	0	-	-	-
Extraordinary Expenses of the Mint, in the Gold Coinage; for 1822	10,500	0	0	10,500	0	0
Extraordinary Expenses that may be incurred for Prosecutions, &c. relating to the Coin of this Kingdom; for 1822	5,000	0	0	-	-	-
Expense of Law Charges; for 1822	25,000	0	0	25,000	0	0
Expense attending the confining, maintaining and employing Convicts at Home; for 1822	81,363	0	0	81,363	0	0
Expenses of the Establishment of the Public Office Bow-street, including the Horse and Foot Patrol, and of the Establishment of the River Police; for 1822	33,567	0	0	8,353	2	0
Amount of Bills drawn or to be drawn from New South Wales; for 1822	100,000	0	0	100,000	0	0
Salaries to certain Officers, and the Expenses of the Court and Receipt of Exchequer; for 1822	7,000	0	0	4,777	18	11
Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the Contingent Expenses of the Office; for 1822	8,640	0	0	4,800	0	0
Salaries or Allowances granted to certain Professors in the Universities of Oxford and Cambridge, for reading courses of Lectures; for 1822	953	7	6	-	-	-
Expenses of the Houses of Lords and Commons; for 1822	19,055	0	0	10,333	11	9
Salaries and Allowances to the Officers of the Houses of Lords and Commons; for 1822	22,800	0	0	16,302	18	3

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Extraordinary Expenses of the Department of the Lord Chamberlain, for Fittings and Furniture for the two Houses of Parliament; in 1822	4,800	0	0	1,795	5	8
Expense of certain Colonial Services, formerly paid out of the Extraordinaries of the Army; for 1822	2,442	10	0	2,442	10	0
Charge for printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords; for 1822	17,000	0	0	—		
Expense of printing the Votes of the House of Commons, during the present Session	3,500	0	0	3,500	0	0
Deficiency of the Grant of 1821, for printing the Votes of the House of Commons, during the last session	204	15	9	204	15	9
For paying, in the year 1822, the usual Allowances to Protestant Dissenting Ministers in England, Poor French Protestant Refugee Clergy, Poor French Protestant Refugee Laity, and sundry small Charitable and other Allowances to the Poor of Saint Martin-in-the-Fields, and others	7,036	8	10	3,556	3	11
Deficiency of the Grant of 1820, for the Supplemental Charge for Printing done by order of the House of Commons, pertaining to the Session of 1819	5,434	7	1	5,434	7	1
Expense of printing Bills, Reports, and other Papers, by order of the House of Commons, during the present Session	20,000	0	0	—		
Deficiency of the Grant of 1821 for printing Acts of Parliament for the two Houses of Parliament, for the Sheriffs, Clerks of the Peace, and Chief Magistrates throughout the United Kingdom, and for the acting Justices throughout Great Britain; also for printing Bills, Reports, Evidence, and other Papers and Accounts for the House of Lords	1,235	10	2½	1,235	10	2½
Deficiency of the Grant of 1821, for printing Bills, Reports, and other Papers, by Order of the House of Commons, during the last Session	10,479	14	7	10,479	14	7
Expense that may be incurred in 1822, for printing 1,750 copies of the 77th volume of the Journals of the House of Commons for the present Session	3,500	0	0	—		
Expense that may be incurred for re-printing Journals and Reports of the House of Commons; in 1822	3,000	0	0	—		
Foreign and other Secret Services; for 1822	40,000	0	0	21,553	10	0
For making good the Deficiencies in the Fee Funds, in the Departments of the Treasury, Three Secretaries of State, and Privy Council; for 1822	72,327	0	0	52,002	14	7
Contingent Expenses and Messengers Bills in the Departments of the Treasury, Three Secretaries of State, Privy Council, and lord Chamberlain; for 1822	78,794	0	0	69,471	8	2
For defraying, in 1822, the Charge of Allowances or Compensations, granted or allowed as retired Allowances or Superannuations, to Persons formerly employed in Public Offices or Departments, or in the Public Service, according to the Act of the 50th of his late Majesty	7,891	6	3	2,381	13	4
To pay off and discharge such of the proprietors of 5 per cent Annuities and Government Debentures, payable at the Bank of Ireland, as have signified their dissent to receive 4 per cent Annuities in lieu thereof	39,000	0	0	39,000	0	0
To pay off and discharge such of the Proprietors of Navy 5 per cent Annuities, and of Irish 5 per cent Annuities, payable at the Bank of England, who have signified their dissent to receive 4 per cent Annuities in lieu thereof	38,000	0	0	37,359	0	10
To pay off and discharge such of the Proprietors of 5 per cent Annuities, and Government Debentures, payable at the Bank of Ireland, as have signified their dissent, as Trustees, to receive 4 per cent annuities in lieu thereof	24,000	0	0	—		
To make good the Deficiency of the Grants for the Service of the year 1821	290,456	13	5¼	—		
For defraying the Deficiency of the Grant of 1821, for printing 1,750 Copies of the 76th volume of the Journals of the House of Commons	2,183	12	1	2,183	12	1

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
For enabling His Majesty to provide for such Expenses of a Civil nature as do not form a part of the ordinary Charges of the Civil List; for 1822	200,000	0	0	174,976	15	0¼
For defraying the Expenses of Out-Pensioners of Greenwich Hospital; for 1822	310,000	0	0	160,000	0	0
To defray the Charge of Forts and Possessions on the Gold Coast of Africa; for 1822	20,000	0	0	12,000	0	0
The following Services are directed to be paid, without any Fee or Deduction whatsoever:						
Expense of Works carrying on at the College of Edinburgh; for 1822	10,000	0	0	10,000	0	0
Expense of the building of a Penitentiary House at Milbank; for 1822	18,000	0	0	16,000	0	0
Expense of sundry Works, executing at Port Patrick Harbour; for the year 1822	10,000	0	0	10,000	0	0
For paying, in 1822, the Awards of the Commissioners established in London, in pursuance of an Act of the 58th of his late Majesty, for carrying into effect a Convention between his late Majesty and his Most Faithful Majesty, to Claimants of Portuguese Vessels and Cargoes, captured by British Cruisers, on account of the unlawful trading in Slaves, since the 1st of June, 1814	35,000	0	0	—		
Expense of the Penitentiary House at Milbank; from 24th June, 1822 to 24th June 1823	23,000	0	0	—		
Expense of the National Vaccine Establishment; for 1822	3,000	0	0	3,000	0	0
American Loyalists; for 1822	7,500	0	0	3,000	0	0
Expense of confining and maintaining Criminal Lunatics; for 1822	3,306	10	0	1,698	12	3
Repairs of Henry the Seventh's Chapel; for 1822	1,847	0	0	1,847	0	0
British Museum; for 1822	9,425	13	0	9,425	13	0
For enabling His Majesty to grant Relief, in 1822, to Toulonese and Corsican Emigrants, Dutch Naval Officers, Saint Domingo Sufferers, and others, who have heretofore received Allowances from His Majesty, and who, from Services performed, or Losses sustained in the British Service, have special claims upon His Majesty's justice and liberality	19,000	0	0	7,500	0	0
For the support of the Institution called The Refuge for the Destitute; for 1822	5,000	0	0	5,000	0	0
To enable the Commissioners for the Caledonian Canal, to proceed in opening the Navigation between the Eastern and Western Seas; in 1822	25,000	0	0	25,000	0	0
Expense of sundry Works executing at Donaghadee Harbour; for 1822	15,000	0	0	15,000	0	0
Expense of sundry Works executing at Port Patrick Harbour; for 1822	5,000	0	0	5,000	0	0
Expense of sundry Works, proposed to be done at Holyhead Harbour; in 1822	12,000	0	0	5,000	0	0
For discharging, in 1822, outstanding Demands, relative to purchasing Houses and Grounds for the further Improvement of Westminster	1,000	0	0	—		
To complete the Payment of the Expenses of erecting New Courts for the Commissioners of Bankrupts, in Basinghall-street	2,700	0	0	2,700	0	0
To pay in 1822, the Salaries and Incidental Expenses of the Commissioners, appointed, under the Treaty with Spain, Portugal, and the Netherlands, for preventing the illegal Traffic in Slaves	18,700	0	0	2,456	8	0
To make Compensation to Three of the Commissioners for inquiring into the Collection and Management of the Revenue in Ireland, for their assiduity care and pains in the execution of the Trusts reposed in them by Parliament; for one year	4,500	0	0	4,500	0	0
Towards defraying the Expense of building the New Courts of Justice in Westminster Hall	30,000	0	0	—		
One year's Wages, to certain of the Servants of her late Majesty Queen Caroline	971	18	0	971	18	0
Compensation to Henry Burgess, for the Expenses incurred by him, in prosecuting his plan for the more speedy conveyance of Letters, and of his loss of time and exertions, in that undertaking	7,300	0	0	7,300	0	0

SERVICES—*continued.*	SUMS Voted or Granted.			SUMS Paid.		
	£.	*s.*	*d.*	*£.*	*s.*	*d.*
To defray the Sums awarded to William Jauncey and Beverley Robinson, being two American Loyalists, whose Claims were not included in the list submitted to parliament in the last session	12,184	3	7	12,184	3	7
To complete the Sum of 12,500*l.* on account of the Allowance which would have been due to her late Majesty Queen Caroline, on the 10th of October 1821, to be applied towards the discharge of the Debts due by, and remaining unpaid out of the Effects of her late Majesty, to her British Creditors, for Works or Service done, or Goods supplied for her late Majesty's use	8,247	8	5½	8,247	8	5½
To be paid to sir W. Adams, as a reward for the Services which he has rendered to the Public, in superintending the Ophthalmic Hospital	4,000	0	0	4,000	0	0
For defraying the Charge of the following Services in IRELAND, which are directed to be paid Nett in British Currency.						
For the employment of the poor in Ireland, and other purposes relating thereto, as the exigency of affairs may require	100,000	0	0	92,307	13	10¼
To enable his Majesty to take such measures as the exigency of affairs in Ireland, may require	200,000	0	0	92,307	13	10¼
Civil Contingencies in Ireland; for one year, ending the 5th Jan. 1823	20,000	0	0	18,253	9	2¾
For making good the Deficiency of the Grant of 1821, for defraying the Expense of Printing, Stationery, and other Disbursements of the Chief and Under Secretaries Offices and Apartments, and other Public Offices in Dublin Castle, &c.; and for Riding Charges and other Expenses of the Deputy Pursuivants and Messengers attending the said Offices; and also superannuated Allowances in the Chief Secretary's Office	867	0	0	867	0	0
For making good the Deficiency of the Grant of 1821, for defraying the Expense of printing 1,500 Copies of a compressed quarto edition of the Statutes of the United Kingdom, for the use of the Magistrates of Ireland; and also 250 Copies of a folio edition of the same, bound for the use of the Lords, Bishops, and Public Officers in Ireland	1,202	5	2	1,202	5	2
Expense of printing 325 Copies of a folio edition of the Public General Acts of the present Session, for the use of the Lords, Bishops, and other Public Officers in Ireland; and also 1,500 Copies of a quarto edition, for the use of the acting resident Magistrates in Ireland	3,000	0	0	1,255	8	5
Expense of supporting the Non-conforming Ministers in Ireland; for one year	8,697	4	7½	6,522	18	5¼
Expense of supporting the Seceding Ministers from the Synod of Ulster, in Ireland; for one year	4,034	15	5	2,017	7	8½
Expense of supporting the Protestant Dissenting Ministers in Ireland; for one year	756	0	0	756	0	0
For improving and completing the Harbour of Howth; in 1822.	4,348	0	0	1,846	3	1
Expense of making a Survey of the River Shannon	2,023	0	0	923	1	6½
For carrying on the Works of the Harbour of Dunmore; in 1822.	8,000	0	0	—		
Probable Expenditure of the Board of Works in Ireland; in 1822	16,154	0	0	11,060	16	1½
Expense of Printing, Stationery, and other Disbursements of the Chief and Under Secretaries Offices and Apartments, and other Public Offices in Dublin Castle, &c. and for Riding Charges and other Expenses of the Deputy Pursuivants and Messengers attending the said Offices; and also superannuated Allowances in the Chief Secretary's Office; for one year, ending 5th Jan. 1823	17,500	0	0	13,118	0	1¾
Expense of publishing Proclamations, and other matters of a public nature, in the Dublin Gazette, and other Newspapers in Ireland; for the same time	7,000	0	0	6,374	11	5½
Expense of Criminal Prosecutions, and other Law Expenses in Ireland; for the same time	23,000	0	0	23,000	0	0
Expense of apprehending Public Offenders in Ireland; for the same time	1,500	0	0	129	4	7½
Salaries of the Lottery Officers in Ireland; for one year, ending the 24th day of June 1822	1,449	19	4	1,346	2	5½
Retired Allowances to several late Governors of the House of Industry, Dublin; for two years, ending the 5th Jan. 182[illegible]	1,200	0	0	1,015	7	8¼

SERVICES—*continued.*	SUMS Voted or granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
Expense of the Police and Watch Establishments of the City of Dublin; for one year, ending the 5th Jan. 1823	28,000	0	0	28,000	0	0
Allowances due to the several Persons who have been temporarily appointed to perform the duties of the Prothonotary, Clerk of the Rules, Filacer, Clerk of the Pleadings, and Chirographer of the Court of Common Pleas, in Ireland, and of their several Clerks and Assistants, as specified in an Act of the last Session, for regulating Proceedings in the Courts of Law in Ireland	3,092	6	2	3,092	6	2
Expenses of the Board of the Directors and Officers, and of the maintenance of Inland Navigations; for 1822	3,500	0	0	3,500	0	0
For carrying on the Works at the royal Harbour of George the Fourth, at King's Town (formerly Dunleary)	30,000	0	0	18,461	10	9¼
Salaries of the Commissioners appointed to inquire into the Duties, Salaries and Emoluments of the Officers, Clerks and Ministers of Justice, in all Temporal and Ecclesiastical Courts in Ireland; for one year, ending the 5th Jan. 1823	7,200	0	0	4,866	1	6
Expense of the Royal Irish Academy; for the same time	300	0	0	—		
Expense of the Commissioners of Charitable Donations and Bequests; for the same time	500	0	0	500	0	0
Expense of building Churches and Glebe Houses, and of purchasing Glebes in Ireland; for the same time	9,230	0	0	9,230	0	0
Expense of the Commissioners for making wide and convenient Streets in Dublin; for the same time	10,000	0	0	10,000	0	0
Expense of the Trustees of the Linen and Hempen Manufactures, for one year, ending the 5th Jan. 1823, to be by the said Trustees applied in such manner, as shall appear to them to be most conducive to promote and encourage the said Manufactures in Ireland	19,938	9	2¾	19,938	9	2¾
Additional Allowance to the Chairman of the Board of Inland Navigation in Ireland; for one year, ending the 5th Jan. 1823	276	18	5½	276	18	5½
Expense of the House of Industry, Hospitals, and Asylum for Industrious Children in Dublin; for the same time	19,000	0	0	13,846	3	0½
Expense of the Richmond Lunatic Asylum in Dublin; for the same time	5,000	0	0	5,000	0	0
Expense of the Female Orphan House, in the Circular Road near Dublin; for the same time	2,347	0	0	2,347	0	0
Expense of the Westmorland Lock Hospital in Dublin; for the same time	2,692	0	0	2,692	0	0
Expense of the Lying-in-Hospital in Dublin; for the same time	2,800	0	0	2,800	0	0
Expense of Doctor Stevens's Hospital; for the same time	1,400	0	0	1,400	0	0
Expense of the Fever Hospital and House of Recovery in Cork-street, Dublin; for the same time	3,692	0	0	3,692	0	0
Expense of the Hospital for Incurables in Dublin; for one year, ending the 5th Jan. 1823	300	0	0	300	0	0
Expense of the Protestant Charter Schools of Ireland; for the same time	17,000	0	0	17,000	0	0
Expense of the Foundling Hospital in Dublin; for the same time	30,000	0	0	30,000	0	0
Expense of the association incorporated for discountenancing Vice, and promoting the knowledge and practice of the Christian Religion in Ireland; for the same time	6,464	0	0	6,464	0	0
Expense of the Society for promoting the Education of the Poor in Ireland; for the same time	10,000	0	0	8,307	13	10
For enabling the lord lieutenant of Ireland to issue Money from time to time, in aid of Schools established by Voluntary Contributions	4,000	0	0	-	-	-
Expense of the Hibernian Society for Soldiers Children; for the same time	7,600	0	0	7,600	0	0
Expense of the Hibernian Marine Society in Dublin; for the same time	1,600	0	0	1,600	0	0
Expense of the Establishment of the Roman Catholic Seminary in Ireland; for the same time	8,928	0	0	6,646	3	1
Expense of the Royal Cork Institution; for the same time	2,000	0	0	2,000	0	0
Expense of the Royal Dublin Society; for the same time	7,000	0	0	7,000	0	0
Expense of the Farming Society of Ireland; for the same time	2,500	0	0	2,500	0	0
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the years 1818,						

SERVICES—*continued.*		SUMS Voted or Granted. £. s. d.	SUMS Paid. £. s. d.
1819, 1820, 1821, and 1822, now remaining unpaid or unprovided for	£.29,000,000 0 0		
To pay off and discharge Exchequer Bills issued pursuant to several Acts of the 57th and 58th of his late Majesty, and one Act of the 1st of his present Majesty, for authorising the issue of Exchequer Bills, for the carrying on Public Works and Fisheries in the United Kingdom; and for Building, and promoting the Building, of additional Churches, over and above the amount granted in the two last Sessions of Parliament, for the discharge of the Exchequer Bills issued under the two first-mentioned Acts	263,150 0 0		
		29,263,150 0 0	24,026,150 0 0
To pay off and discharge Irish Treasury Bills charged upon the Aids or Supplies of the year 1822, outstanding and unprovided for	1,000,000 0 0		
Towards paying off and discharging Treasury Bills issued in Ireland, in the year ended the 5th day of January, 1822, to make good to the governor and company of the Bank of Ireland, the sum remaining unpaid to the said governor and company, on the 11th of July, 1821, on account of money advanced by them under an act of the 1st year of the reign of his present Majesty, for the assistance of Trade and Manufactures in Ireland, by authorising the advance of certain sums for the Support of Commercial Credit there	105,181 9 4¾		
		1,105,181 9 4¾	1,105,181 9 4¾
		51,629,437 8 3¾	41,685,079 12 3¼

PAYMENTS FOR OTHER SERVICES,

Not being part of the Supplies granted for the Service of the Year.

	Sums paid to 5th January, 1823. £. s. d.	Estimated further Miscellaneous Payments. £. s. d.
William Rose Haworth, esq. on his salary for additional trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, c. 1...	150 0 0	
Grosvenor Charles Bedford, esq. his Successor	- - -	50 0 0
Expenses in the Office of the Commissioners for the Reduction of the National Debt	5,400 0 0	2,350 0 0
Expenses in the Office of the Commissioners for building additional Churches, per Act 58 Geo. 3, c. 45	3,000 0 0	
Expenses in the Office of the Commissioners for issuing Commercial Exchequer Bills	3,000 0 0	
Expenses in the Office of the Commissioners for inquiring into the Collection and Management of the Revenue in Ireland	8,000 0 0	
Bank of England, for Management on Life Annuities....................	1,827 15 7½	
Expenses in the Office of the Commissioners for the Redemption of the Land-tax	- - -	2,413 12 11
For defraying the Charges of preparing and drawing the Lotteries for 1822, &c.	- - -	17,000 0 0
Repayment of Annuities claimed pursuant to Act 56 Geo. 3, c. 142	31 10 0	
	21,409 5 7½	21,813 12 11
		21,409 5 7½
Total Payments for Services not voted		43,222 18 6½
Amount of Sums voted as above		51,629,437 8 3¾
Total Sums voted, and Payments for Services not voted..		51,672,660 6 10¼

WAYS AND MEANS

for answering the foregoing Services.

	£.	s.	d.
Duty on Sugar, Tobacco and Snuff, Foreign Spirits and Sweets, and on Pensions, Offices, &c.	3,000,000	0	0
Excise Duty on Tea, per Act 59 Geo. 3, c. 53	1,500,000	0	0
Profits of Lotteries, estimated at	200,000	0	0
Monies to arise from the Sale of Old Naval and Victualling Stores	151,000	0	0
Loan per Act 3 Geo. 4, c. 73, from the Commissioners for the Reduction of the National Debt	7,500,000	0	0
Trustees for the Payment of Naval and Military Pensions, and Civil Superannuations, per Act 3 Geo. 4, c. 51	2,450,000	0	0
East India Company, per Act 3 Geo. 4, c. 93	508,617	0	0
Unclaimed Dividends, &c., after deducting Repayments to the Bank of England, for Deficiencies of Balance in their hands	1,666	5	1
Interest on Land Tax redeemed by Money	52	2	9¼
Do. . . Stock	6,000	0	0
Voluntary Contributions, per Act 3 Geo. 4, c. 27	15,780	10	1
Repayments on account of Exchequer Bills issued pursuant to two Acts of the 57th year of his late Majesty, for carrying on Public Works and Fisheries in the United Kingdom	183,500	0	0
	15,516,615	17	11¼
Exchequer Bills voted in Ways and Means; viz. 3 Geo. 4, c. 8 .. £.20,000,000 0 0 3 Geo. 4, c. 122 16,500,000 0 0	36,500,000	0	0
Total Ways and Means	52,016,615	17	11¼
Total Sums voted, and Payments for Services not voted	51,672,660	6	10¼
Surplus Ways and Means	343,955	11	1

Whitehall Treasury Chambers,
25th March, 1822.

S. R. LUSHINGTON.

Mem.—The Sum of 4,000,000*l.* was authorized by Act 3 Geo. 4, c. 127, to be applied out of the Ways and Means granted for the Service of the year 1821, and the like Sum was granted out of the Ways and Means 1822, to discharge the like amount of Supplies for the Service of the year 1821.

CLASS VII.—ARREARS AND BALANCES.

[This Head, which occupies 125 folio pages in the Parliamentary Accounts, is here omitted, as not being of general utility.]

TRADE OF THE UNITED KINGDOM.

An Account of the VALUE of all IMPORTS into, and of all EXPORTS from the United Kingdom of GREAT BRITAIN and IRELAND, during each of the Three Years ending the 5th January, 1823 (stated exclusive of the Trade between Great Britain and Ireland reciprocally.)

YEARS, ending 5th January.	VALUE OF IMPORTS calculated at the Official Rates of Valuation.			VALUE OF EXPORTS, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures Exported according to the Real and Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1821......	32,438,650	17	3	38,395,555	7	2	10,555,912	10	3	48,951,467	17	5	36,424,652	13	11
1822......	30,792,763	4	10	40,831,744	17	5	10,629,689	5	8	51,461,434	3	1	36,659,631	3	0
1823......	30,500,094	17	4	44,236,533	2	4	9,227,589	6	11	53,464,122	9	3	36,968,964	9	9

Inspector General's Office, Custom House,
London, 24th March, 1823.

WILLIAM IRVING,
Inspector General of Imports and Exports.

FOREIGN TRADE OF GREAT BRITAIN.

An Account of the VALUE of all IMPORTS into, and of all EXPORTS from GREAT BRITAIN, during each of the Three Years ending the 5th January, 1823 (stated exclusive of the Trade with Ireland).

	YEARS Ending 5th January.	VALUE of IMPORTS calculated at the Official Rates of Valuation.			VALUE OF EXPORTS, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures Exported according to the Real and Declared Value thereof.		
					Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandize.			TOTAL EXPORTS.					
		£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
VALUE, exclusive of the Trade with Ireland.	1821	31,484,108	11	8	37,818,035	13	3	10,525,025	18	8	48,343,061	11	11	35,568,669	9	5
	1822	29,724,173	13	7	40,194,892	13	11	10,602,090	0	0	50,796,982	13	11	35,826,082	13	7
	1823	29,401,807	10	10	43,558,488	12	9	9,211,927	16	10	52,770,416	9	7	36,176,896	13	11

Inspector General's Office, Custom House,
London, 14th March, 1823.

WILLIAM IRVING,
Inspector General of Imports and Exports.

An Account of the Value of all IMPORTS into, and of all EXPORTS from IRELAND, during each of the three Years ending 5th January, 1823 (stated inclusive and exclusive of the Trade with GREAT BRITAIN).

—		VALUE of Imports into IRELAND, calculated at the Official Rates of Valuation.	VALUE OF EXPORTS FROM IRELAND, calculated at the Official Rates of Valuation.			VALUE of the Produce and Manufactures of the United Kingdom, Exported from Ireland, as computed at the Average Prices Current.
			Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	TOTAL EXPORTS.	
	YEARS ENDING	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
VALUE inclusive of the Trade with GREAT BRITAIN.	5th January, 1821........	5,197,192 17 8	7,089,441 11 6	89,781 6 11	7,179,222 18 5	10,308,713 11 9¼
	— 1822........	6,407,427 15 8¾	7,703,857 11 8¾	77,795 4 3¼	7,781,652 16 0	9,808,057 19 7¼
	— 1823........	6,607,487 12 5¼	6,771,607 2 3½	54,302 7 3	6,825,909 9 6½	7,871,237 10 9
	YEARS ENDING					
VALUE exclusive of the Trade with GREAT BRITAIN.	5th January, 1821........	954,542 5 7	577,519 13 11	30,886 11 7	608,406 5 6	855,983 4 6½
	— 1822........	1,068,589 11 3½	636,852 3 6½	27,599 5 7½	664,451 9 2	833,548 9 5
	— 1823........	1,098,287 6 6	678,044 9 7	15,661 10 1	693,705 19 8	792,067 15 10

Custom-House, Dublin,
19th March, 1823.

WILLIAM MARRABLE,
Inspector General of the Imports and Exports of Ireland.

NAVIGATION OF THE UNITED KINGDOM.

New Vessels Built.—An Account of the Number of Vessels, with the Amount of their Tonnage, that were built and registered in the several Ports of the British Empire, in the Years ending the 5th January, 1821, 1822, and 1823, respectively.

—	In the Years ending the 5th January,					
	1821.		1822.		1823.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom	619	66,691	585	58,076	564	50,928
Isles Guernsey, Jersey, and Man	16	1,451	12	1,406	7	605
British Plantations	248	16,440	275	15,365	152	11,001
Total	883	84,582	872	74,847	723	62,534

Vessels Registered.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys usually employed in Navigating the same, that belonged to the several Ports of the British Empire, on the 30th September, in the Years 1820, 1821, and 1822, respectively.

—	On 30th Sept. 1820.			On 30th Sept. 1821.			On 30th Sept. 1822.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom	21,473	2,412,804	155,335	21,163	2,329,213	150,424	20,756	2,288,999	147,529
Isles Guernsey, Jersey, and Man	496	26,225	3,775	489	26,639	3,859	482	26,404	3,788
British Plantations	3,405	209,564	15,304	3,384	204,350	14,896	3,404	203,641	15,016
Total	25,374	2,648,593	174,414	25,036	2,560,202	169,179	24,642	2,519,044	166,333

NAVIGATION OF THE UNITED KINGDOM—*continued.*

Vessels employed in the Foreign Trade.—An Account of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys employed in Navigating the same (including their repeated Voyages) that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to all Parts of the World (exclusive of the intercourse between Great Britain and Ireland respectively) during each of the three Years ending 5th January, 1823.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM,

(Exclusive of the Intercourse between Great Britain and Ireland.)

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1821...	11,285	1,668,060	100,325	3,472	447,611	27,633	14,757	2,115,671	127,958
1822...	10,805	1,599,423	97,485	3,261	396,107	26,043	14,066	1,995,530	123,528
1823...	11,087	1,663,627	98,980	3,389	469,151	28,421	14,476	2,132,778	127,401

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM,

(Exclusive of the Intercourse between Great Britain and Ireland.)

Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1821...	10,102	1,549,508	95,849	2,969	433,328	24,545	13,071	1,982,836	120,394
1822...	9,797	1,488,644	93,377	2,626	383,786	22,162	12,423	1,872,430	115,539
1823...	10,023	1,539,260	95,998	2,843	457,542	25,394	12,866	1,996,802	121,392

Custom House, London,
24th March, 1823.

WM. IRVING.

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